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LEW. Eng.-Ref 24











THE  
ECCLESIASTICAL  
STATUTES AT LARGE,

EXTRACTED FROM THE

GREAT BODY OF THE STATUTE LAW,

AND

ARRANGED UNDER SEPARATE HEADS.

---

BY

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IN FIVE VOLUMES.

VOL. IV.



LONDON:

WILLIAM BENNING AND Co., 43, FLEET-STREET;

AND

F. & J. RIVINGTON, ST. PAUL'S CHURCHYARD, AND WATERLOO PLACE.

WELLS:

HENRY WILLIAM BALL, HIGH-STREET.

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MDCCKXLVII.

**WELLS :**  
**PRINTED BY H. W. BALL, HIGH-STREET.**

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# THE ECCLESIASTICAL STATUTES AT LARGE.

## PRESENTATION.

14 EDWARD 3, STAT. 4, CAP. 2.—*Presentment to churches made by the king in another's right.*—See Title—"BENEFICES," vol. i. p. 249.

25 EDWARD 3, STAT. 3, CAP. 1.—*All privileges granted to the clergy confirmed. The king nor his heirs shall present to a benefice of another's right of any time of his progenitors.*—That all the privileges and franchises granted heretofore to the said clergy be confirmed and holden in all points. And as touching presentments to be made by our lord the king, or any of his heirs, to a benefice of holy church in another's right by old title, our said lord the king, to the honor of God and holy church, willeth and granteth, of the assent of the said parliament, that from henceforth he nor any of his heirs shall not take title to present to any benefice in any other's right of any time of his progenitors; nor that any prelate of his realm be bound to receive any such presentment to be made, nor to do thereof any execution; nor that any justice of the one place, or the other, may not nor ought not to hold plea, or give judgment upon any such presentment to be made; but that the said king and his heirs be for ever hereafter clearly barred of all such presentments; saving always to him and his heirs all such presentments in another's right fallen, or to fall, of all his time, and of the time to come.

25 EDWARD 3, STAT. 3, CAP. 2.—*A repeal of the statute of anno 14 Ed. 3, stat. 4, cap. 2, touching the king's presentment to a church of another's right.*—See Title—"BENEFICES," vol. i. p. 249.

25 EDWARD 3, STAT. 3, CAP. 3.—*When the king presenteth to a benefice in another's right, his title shall be examined.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 517.

25 EDWARD 3, STAT. 3, CAP. 7.—*The ordinary may counterplead the king's title for a benefice fallen by lapse.*—Because that many presentments to divers benefices of holy church, as well of the patronage of lay people, as of people of holy church, which were void by six months, whereof the collation of such benefices by lapse of time was devolute, and of right pertaining to the ordinaries of the places, were recovered by the king by judgments thereof given of the assent of the said patrons, in deceit of the said collations so made reasonably by the said ordinaries; in which pleas the ordinaries nor their clerks, to whom they did give such benefices, were not received to shew nor defend their right in this behalf, nor to counterplead the king's right so claimed, which is not reasonable:

11 H. 4, f. 8.  
Vide Pasch.  
8 Car. in  
Scacc. Inter  
Dom. Regem  
& Præst.  
1 Cr. 354.  
Jones 334.

13 Ed. 1, st. 1,  
c. 5.  
Hob. 161.  
7 Co. 26.  
1 Roll 453,  
458, 466, 470.  
2 Roll 452.



1 Leonard. 45.  
Fitz. quare  
impedit, 191,  
196.  
Fitz. Liv. 34.  
Hob. 318.  
Savill 108.  
1 Mod. 279.

Br. petition,  
5.

13 R. 2, st. 1,

c. 1, the king's presentee shall not be received to a church full of an incumbent, till he hath recovered it by law.

3 Inst. 127.  
2 Roll 459.  
Rast. 2.  
Stat. Carlisle,  
35 Ed. 1, c. 4,  
s. 3.  
The causes  
why the  
kings and  
noblemen of  
the realm did  
give lands to  
bishops and  
other pre-  
lates.

The pope be-  
stowed spiri-  
tual livings  
upon aliens  
not dwelling  
in England.

The inconve-  
niences en-  
suing there-  
on.

wherefore the king, by the assent of the said parliament, will and granteth for him and his heirs, that when archbishops, bishops, or other ordinaries, have given a benefice of right devolute to him by lapse of time, and after the king presenteth and taketh the suit against the patron, which percase will suffer that the king shall recover without action tried, in deceit of the ordinary, or the possessor of the said benefices, that in such case, and all other cases like, were the king's right is not tried, the archbishop or bishop, ordinary or possessor, shall be received to counterplead the title taken for the king, and to have his answer, and to shew and defend his right upon the matter, although that he claim nothing in the patronage in the case aforesaid.

25 EDWARD 3, STAT. 6. A STATUTE OF PROVISOIRS OF BENEFICES.—*The king and other lords shall present unto benefices of their own, or their ancestors' foundation, and not the bishop of Rome.*—

Whereas late in the parliament of good memory of *Edward* king of *England*, grandfather to our lord the king that now is, the thirty-fifth year of his reign, holden at *Carlisle*, the petition heard, put before the said grandfather and his council in his said parliament by the commonalty of the said realm, containing, that whereas the holy church of *England* was founded in the estate of prelacy, within the realm of *England*, by the said grandfather and his progenitors, and the earls, barons and other nobles of his said realm, and their ancestors, to inform them and the people of the law of God, and to make hospitalities, alms, and other works of charity in the places where the churches were founded, for the souls of the founders, their heirs, and all christians; and certain possessions, as well in fees, lands, rents, as in advowsons, which do extend to a great value, were assigned by the said founders to the prelates and other people of the holy church of the said realm, to sustain the same charge, and especially of the possessions which were assigned to archbishops, bishops, abbots, priors, religious, and all other people of holy church, by the kings of the said realm, earls, barons, and other great men of his realm; the same kings, earls, barons and other nobles, as lords and advowees, have had and ought to have the custody of such voidances, and the presentments and the collations of the benefices being of such prelacies.

II. And the said kings in times past were wont to have the greatest part of their council, for the safeguard of the realm when they had need, of such prelates and clerks so advanced; the bishop of *Rome*, accroching to him the seigniories of such possessions and benefices doth give and grant the same benefices to aliens, which did never dwell in *England*, and to cardinals, which might not dwell here, and to other as well aliens as denizens, as if he had been patron or advowee of the said dignities and benefices, as he was not of right by the law of *England*; whereby if they should be suffered, there should scarcely be any benefice within a short time in the said realm, but that it should be in the hands of aliens and denizens by virtue of such provisions, against the good will and disposition of the founders of the same benefices; and so the elections of arch-

bishops, bishops, and other religious should fail, and the alms, hospitalities, and other works of charity, which should be done in the said places, should be withdrawn, the said grandfather, and other lay patrons, in the time of such voidances, should lose their presentments, the said council should perish, and goods without number should be carried out of the realm, in adnullation of the estate of the holy church of *England*, and disherison of the said grandfather, and the earls, barons, and other nobles of the said realm, and in offence and destruction of the laws and rights of his realm, and to the great damage of his people, and in subversion of all the estate of his said realm, and against the good disposition and will of the first founders: by the assent of the earls, barons, and other nobles, and of all the said commonalty, at their instances and requests, the damage and grievances afore considered, in the said full parliament it was ordained, provided, established, agreed, adjudged, and considered, that the said oppressions, grievances, and damages in the same realm from henceforth should not be suffered in any manner.

And now it is shewed to our lord the king in this present parliament holden at *Westminster*, at the *utis* of the purification of our lady, the five and twentieth year of his reign of *England*, and of *France* the twelfth, by the grievous complaints of all the commons of his realm, that the grievances and mischiefs aforesaid do daily abound, to the greater damage and destruction of all his realm of *England*, more than ever were before, *viz.* that now of late the bishop of *Rome*, by procurement of clerks and otherwise, hath reserved, and doth daily reserve to his collation generally and especially, as well archbishoprics, bishoprics, abbeyes, and priories, as all other dignities and other benefices of *England*, which be of the advowry of people of holy church, and give the same as well to aliens as to denizens, and taketh of all such benefices the first fruits, and many other profits, and a great part of the treasure of the said realm is carried away and dispended out of the realm, by the purchasers of such benefices and graces aforesaid; and also by such privy reservations many clerks advanced in this realm by their true patrons, which have peaceably holden their advancements by long time, be suddenly put out: whereupon the said commons have prayed our said lord the king, that sith the right of the crown of *England*, and the law of the said realm is such, that upon the mischiefs and damages which happen to his realm, he ought, and is bound by his oath, with the accord of his people in his parliament thereof to make remedy and law, and in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy.

The pope giveth the benefices of the church, and reserveth the first fruits to himself.

III. Our lord the king, seeing the mischiefs and damage before mentioned, and having regard to the said statute made in the time of his said grandfather, and to the causes contained in the same; which statute holdeth always his force, and was never defeated, *repealed*,\* nor adnullled in any point, and by so much as he is bounden by his oath to cause the same to be kept as the law of his realm, though that by sufferance and negligence it hath been sithence attempted to the contrary; also having regard to the grievous complaints made to him by his people in divers his parliaments holden heretofore, willing to ordain remedy for the great damages and

The causes and reasons of making this statute.

\*Not in orig.

Elections of the dignities of the church shall be free, as they were founded.

Patrons and founders of the dignities of the church and their heirs, shall have the collation or presentation to them being void.

9 H. 3, st. 1, c. 33.

11 H. 4, f. 37, 59, 76.

Where the pope maketh provision to a dignity of the church, the king shall present

mischiefs which have happened, and daily do happen to the church of *England* by the said cause; by the assent of all the great men and the commonalty of the said realm, to the honour of God, and profit of the said church of *England*, and of all his realm, hath ordered and stablished, that the free elections of archbishops, bishops, and all other dignities and benefices elective in *England*, shall hold from henceforth in the manner as they were granted by the king's progenitors, and the ancestors of other lords, founders of the said dignities and other benefices. And that all prelates and other people of holy church, which have advowsons of any benefices of the king's gift, or of any of his progenitors, or of other lords and donors, to do divine services, and other charges thereof ordained, shall have their collations and presentments freely to the same, in the manner as they were enfeoffed by their donors. And in case that reservation, collation, or provision be made by the court of *Rome*, of any archbishopric, bishopric, dignity, or other benefice, in disturbance of the free elections, collations, or presentations aforementioned, that at the same time of the voidance, that such reservations, collations, and provisions ought to take effect, our lord the king and his heirs shall have and enjoy for the same time the collations to the archbishoprics and other dignities elective, which be of his advowry, such as his progenitors had before that free election was granted, since that the election was first granted by the king's progenitors upon a certain form and condition, as to demand licence of the king to choose, and after the election to have his royal assent, and not in other manner; which conditions not kept, the thing ought by reason to resort to his first nature.

IV. And if any such reservation, provision, or collation be made of any house of religion of the king's advowry, in disturbance of free election, our sovereign lord the king, and his heirs, shall have for that time the collation to give this dignity to a convenient person. And in case that collation, reservation, or provision be made by the court of *Rome* of any church, prebend, or other benefices, which be of the advowry of people of holy church, whereof the king is advowee paramount immediate, that at the same time of the voidance, at which time the collation, reservation, or provision ought to take effect as afore is said, the king and his heirs thereof shall have the presentment or collation for that time. And so from time to time, whensoever such people of holy church shall be disturbed of their presentments or collations, by such reservations, collations, or provisions, as afore is said; saving to them the right of their advowsons and their presentments, when no collation or provision of the court of *Rome* is thereof made, where that the said people of holy church shall or will to the same benefices present or make collation; and that their presentees may enjoy the effect of their collations or presentments. And in the same manner every other lord, of what condition that he be, shall have the collations or presentments to the houses of religion which be of his advowry, and other benefices of holy church which be pertaining to the same houses. And if such advowees do not present to such benefices within the half year after such voidances, nor the bishop of the place do not give the same by lapse of time within a month after half a year, that then the

44 Ed. 3, f. 36.

The penalties of those which by provisions from *Rome* do disturb

king shall have thereof the presentments and collations, as he hath of other of his own advowry. And in case that the presentees of the king, or the presentees of other patrons of holy church, or of their advowees, or they to whom the king, or such patrons or advowees aforesaid, have given benefices pertaining to their presentments or collations, be disturbed by such provisors, so that they may not have possession of such benefices by virtue of the presentments or collations to them made, or that they which be in possession of such benefices be impeached upon their said possessions by such provisors; then the said provisors, their procurators, executors, and notaries, shall be attached by their body, and brought in to answer; and if they be convict, they shall abide in prison without being let to mainprize or bail, or otherwise delivered, till that they have made fine and ransom to the king at his will, and gree to the party that shall feel himself grieved. And nevertheless before that they be delivered, they shall make full renunciation, and find sufficient surety that they shall not attempt such things in time to come, nor sue any process by them, nor by other, against any man in the court of *Rome*, nor in any part elsewhere, for any such imprisonments or renunciations, nor any other thing depending of them.

such presentments or elections as others ought to make. See 26 H. c. 15.

V. And in case that such provisors, procurators, executors, or notaries be not found, that the exigent shall run against them by due process, and that writs shall go forth to take their bodies in what parts they be found, as well at the king's suit, as at the suit of the party, and that in the mean time the king shall have the profits of such benefices so occupied by such provisors, except abbeys, priories, and other houses, which have colleges or covents, and in such houses the colleges and covents shall have the profits; saving always to our lord the king, and to all other lords, their old right. And this statute shall have place as well of reservations, collations, and provisions made and granted in times past against all them which have not yet obtained corporal possession of the benefices granted to them by the same reservations, collations, and provisions, as against all other in time to come. And this statute oweth to hold place and to begin at the said *utis*.

Fitz. premunire, 9, 12.

By 16 R. 2, c. 5, purchasing bulls or other instruments from Rome incurs premunire. And see 5 El. c. 1, and 13 El. c. 2, against maintaining the authority of the see of Rome, or bringing bulls, &c., from thence.

Rast. 465.  
13 R. 2, st. 1, c. 1.  
Confirmed by 13 R. 2, st. 2, c. 2 & 3.

16 RICHARD 2, CAP. 5.—*Premunire for purchasing bulls from Rome. The crown of England subject to none.*—See Title—"BULLS FROM ROME." vol. i. p. 351.

4 HENRY 4, CAP. 22.—*The remedy where by the king's presentation any incumbent is put forth.*—Whereas it is ordained by the statute made the twenty-fifth year of king Edward, grandfather to our lord the king, that if the king make collation or presentment to any benefice in another's right, that the title whereupon he groundeth him should be well examined that it be true; and at what time, before judgment given, the title be found by good information untrue and unjust, the collation or presentment thereof made, shall be repealed and adnulled. And moreover, in a statute made after in the time of king *Richard*, it was ordained and established, that if the king present to any benefice that is full of any incumbent, that the king's presentee shall not be received by the ordinary, till the

25 Ed. 3, st. 3, c. 3.

13 R. 2, st. 1, c. 1.

1 Mod. 279.

king hath recovered his presentment by process of the law in his own court; and if any presentee of the king be otherwise received, and the incumbent put out without due process, as afore is said, the same incumbent shall commence his suit within a year after the induction of the presentee: our lord the king considering the great mischief of the incumbent in this behalf, hath ordained and stablished, by the assent aforesaid, that if any such incumbent be put out of his benefice without due process in the manner aforesaid, that the said incumbent so put out without process, may be at large, and sue for his remedy by the said statute, and begin his suit in this case at what time shall please him, within the year, or after, at his will; and that as well for the time past, as for the time to come, notwithstanding the term so limited by the said statute.

31 ELIZABETH, CAP. 6, SECS. 5—10.—*An act against abuses in election of scholars, and presentation to benefices.*

The penalty for presenting to a benefice, or for being presented for reward.  
Coke Entr. 516.

V. Be it further enacted by the authority aforesaid, that if any person or persons, bodies politic and corporate, shall or do at any time after the end of forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit or benefit, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurances, of or for any sum of money, reward, gift, profit or benefit whatsoever, directly or indirectly, present or collate any person to any benefice with cure of souls, dignity, prebend or living ecclesiastical, or give or bestow the same, for or in respect of any such corrupt cause or consideration; that then every such presentation, collation, gift and bestowing, and every admission, institution, investiture and induction thereupon, shall be utterly void, frustrate and of none effect in law, and that it shall and may be lawful to and for the queen's majesty, her heirs and successors, to present, collate unto, or give or bestow every such benefice, dignity, prebend and living ecclesiastical for that one time or turn only; and that all and every person or persons, bodies politic and corporate, that from thenceforth shall give or take any such sum of money, reward, gift or benefit, directly or indirectly, or that shall take or make any such promise, grant, bond, covenant or other assurance, shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend and living ecclesiastical; and the person so corruptly taking, procuring, seeking or accepting any such benefice, dignity, prebend or living, shall thereupon and from thenceforth be adjudged a disabled person in law, to have or enjoy the same benefice, dignity, prebend or living ecclesiastical.

3 Lev. 337.

The penalty for presenting or collating, or for being presented to a benefice with cure for reward.  
2 Roll. 465.  
Cro. El. 642.  
Cro. Jac. 385.  
Cro. Car. 330.

VI. And be it further enacted, that if any person shall at any time after forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit or commodity whatsoever, directly or indirectly (other than for usual and lawful fees) or for or by reason of any promise, agreement, grant, covenant, bond or other assurance, of or for any sum of money, reward, gift, profit or benefit whatsoever, directly or indirectly, admit, institute, instal, induct, invest or place any person in, or to any benefice with cure of souls, dignity, prebend or other living ecclesiastical; that then every such person so offending shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend and living



ecclesiastical; and that thereupon immediately from and after the investing, installation or induction thereof had, the same benefice, dignity, prebend and livings ecclesiastical, shall be eftsoons merely void: and that the patron or person to whom the advowson, gift, presentation or collation shall by law appertain, shall and may by virtue of this act present or collate unto, give and dispose of the same benefice, dignity, prebend or living ecclesiastical, in such sort, to all intents and purposes, as if the party so admitted, instituted, installed, invested, inducted or placed, had been or were naturally dead.

VII. Provided always, that no title to confer or present by lapse, shall accrue upon any voidance mentioned in this act, but after six months next after notice given of such voidance, by the ordinary to the patron.

No title to confer by lapse but after six months notice.

VIII. And be it further enacted by the authority aforesaid, that if any incumbent of any benefice with cure of souls, after the end of the said forty days, do or shall corruptly resign or exchange the same, or corruptly take for or in respect of the resigning or exchanging of the same, directly or indirectly, any pension, sum of money, or benefit whatsoever; that then as well the giver, as the taker of any such pension, sum of money, or other benefit corruptly, shall lose double the value of the sum so given, taken or had; the one moiety as well thereof, as of the forfeiture of double value of one year's profit before mentioned, to be to the queen's majesty, her heirs and successors, and the other moiety to him or them that will sue for the same, by action of debt, bill or information, in any of her majesty's courts of record, in which no essoin, protection or wager of law or privilege shall be admitted or allowed.

The penalty for corrupt resigning or exchanging of a benefice with cure of souls.

IX. Provided always, that this act, or any thing herein contained, shall not in anywise extend to take away or restrain any punishment, pain or penalty limited, prescribed or instituted by the laws ecclesiastical, for any the offences before in this act mentioned, but that the same shall remain in force, and may be put in due execution, as it might be before the making of this act; this act or any thing therein contained to the contrary thereof in anywise notwithstanding.

Penalties inflicted by the ecclesiastical law be not taken away by this statute.

X. Provided further, and be it enacted by the authority aforesaid, that if any person or persons whatsoever shall or do at any time after the end of this session of parliament, receive or take any money, fee, reward or any other profit, directly or indirectly, or shall take any promise, agreement, covenant, bond or other assurance, to receive or have any money, fee, reward or any other profit, directly or indirectly, either to him or themselves or to any other of their or any of their friends, (all ordinary and lawful fees only excepted) for or to procure the ordaining or making of any minister or ministers, or giving of any orders, or licence or licences to preach; that then every person and persons so offending shall for every such offence forfeit and lose the sum of forty pounds of lawful money of *England*; and the party so corruptly ordained or made minister, or taking orders, shall forfeit and lose the sum of ten pounds: and if at any time within seven years next after such corrupt entering into the ministry, or receiving of orders, he shall accept or take any benefice, living or promotion ecclesiastical, that then immediately from and after the induction, investing or installation thereof or thereunto had,

The penalty for giving or taking of rewards to make ministers, or to give licence to preach.

Who shall have the forfeitures, and by what means. See further concerning simony, 1 W. & M. st. 1, c. 16, & 12 Anne, st. 2, c. 12.

the same benefice, living and promotion ecclesiastical shall be eftsoons merely void; and that the patron or person to whom the advowson, gift, presentation or collation shall by law appertain, shall and may, by virtue of this act, present or collate unto, give and dispose of the same benefice, living or promotion ecclesiastical, in such sort to all intents and purposes, as if the party so inducted, invested or installed, had been or were naturally dead; any law, ordinance, qualification or dispensation to the contrary notwithstanding: the one moiety of all which forfeitures shall be to our sovereign lady the queen, her heirs and successors, and the other moiety to him or them that will sue for the same, by action of debt, bill, plaint or information, in any of her majesty's courts of record, in which no essoin, protection, privilege or wager of law, shall be admitted or allowed. Coke Lit. 120. a.

3 JAMES 1, CAP. 5, SECS. 18 & 19.—*An act to prevent and avoid dangers which grow by popish recusants.*—See Title—"PAPISTS," vol. iii. p. 494.

6 GEORGE 4, CAP. 16, SEC. 77.—*An act to amend the laws relating to bankrupts.*

LXXVII. And be it enacted, that all powers vested in any bankrupt which he might legally execute for his own benefit (except the right of nomination to any vacant ecclesiastical benefice) may be executed by the assignees for the benefit of the creditors, in such manner as the bankrupt might have executed the same.

7 & 8 GEORGE 4, CAP. 25.—*An act for the relief of certain spiritual persons and patrons of ecclesiastical preferments, from certain penalties; and rendering valid certain bonds, covenants, or other assurances for the resignation of ecclesiastical preferments.*—Whereas by an act made and passed in the thirty-first year of the reign of her late majesty queen Elizabeth, intituled *an act against abuses in elections of scholars and presentations to benefices*, it is enacted in the words or to the effect following; to wit, for the avoiding of simony and corruption in presentations, collations, and donations of and to benefices, dignities, prebends, and other livings and promotions ecclesiastical, and in admissions, institutions, and inductions to the same, be it further enacted by the authority aforesaid, that if any person or persons, bodies politic and corporate, shall or do at any time after the end of forty days next after the end of this session of parliament, for any sum of money, reward, gift, profit, or benefit, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurance, of or for any sum of money, reward, gift, profit, or benefit whatsoever, directly or indirectly present or collate any person to any benefice with cure of souls, dignity, prebend, or living ecclesiastical, or give or bestow the same for or in respect of any such corrupt cause or consideration, that then every such presentation, collation, gift, and bestowing, and every admission, institution, investiture, and induction thereupon, shall be utterly void, frustrate, and of none effect in law; and that it shall and may be lawful to and for the queen's majesty, her heirs and successors, to present, collate unto, or give or bestow every such benefice, dignity, prebend, and living ecclesiastical, for that one time or turn only; and that all and every person or persons, bodies politic and corporate,

31 Eliz. c. 6.

that from thenceforth shall give or take any such sum of money, reward, gift, or benefit, directly or indirectly, or that shall take or make any such promise, grant, bond, covenant, or other assurance, shall forfeit and lose the double value of one year's profit of every such benefice, dignity, prebend, and living ecclesiastical; and the person so corruptly taking, procuring, seeking, or accepting any such benefice, dignity, prebend, or living, shall thereupon and from thenceforth be adjudged a disabled person in law to have or enjoy the same benefice, dignity, prebend, or living ecclesiastical: and whereas since the passing of the said act many spiritual persons or others, before or after the presentation or collation or appointment by donation, of spiritual persons to spiritual offices, being benefices with cure of souls, dignities, prebends, or livings ecclesiastical, have made, given, or entered into certain engagements by promise, agreement, grant, bond, covenant, or other assurance, to or with the patron or patrons of such spiritual offices, or to or with some other person or persons, for the resignation of such spiritual offices, to the intent or purpose that some person specially named or described in such engagement, or one of two persons so specially named or described, should be presented, collated, or nominated to such spiritual offices respectively, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request or otherwise, when a person, or one of two persons, so specially named or described, should become qualified by age or otherwise to accept and take the same: and whereas it has lately been adjudged and determined at law that such engagements as aforesaid come within the intent and meaning of the said recited act: and whereas the spiritual persons and patrons, and other persons, who have been parties to such engagements, will suffer great hardship and detriment unless they be relieved from the pains, penalties, forfeitures, loss, or disabilities to which they have erroneously, but without having wilfully acted in contravention of the said recited act, rendered themselves liable, by reason of having given or entered into, or accepted or taken such engagements; for remedy thereof, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no presentation, collation, gift, or bestowing of any such spiritual office to or upon any spiritual person, before the ninth day of *April* in the present year of our Lord one thousand eight hundred and twenty-seven, nor any admission, institution, investiture, or induction thereupon, shall be void, frustrate, or of no effect in law, for or by reason of any such engagement made, given, or entered into by such spiritual person, or any other person or persons, to or with the patron or patrons of such spiritual office, or to or with any other person or persons, for the resignation of the same, to the intent or purpose manifested by the terms of such engagement, that some person specially named or described therein, or one of two persons so specially named or described, should be presented, collated, or nominated to such spiritual office, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request, or otherwise, when a person, or one of two

No presentation to any spiritual office, made before 9th April, 1827, shall be void on account of any agreement to resign when another person specially named, shall become qualified to take the same.

Persons making any such agreement, not subject to any penalty on account thereof.

persons, so specially named or described, should become qualified, by age or otherwise, to accept and take the same; and that it shall not be lawful for the king's most excellent majesty, his heirs, or successors, for or by reason of such engagement as aforesaid, to present or collate unto, or give or bestow such spiritual office; and that such spiritual person, and patron or patrons, or other person or persons respectively, shall not be liable to any pains, penalty, forfeiture, loss, or disability, nor to any prosecution or other proceeding, civil, criminal, or penal, in any court ecclesiastical or temporal, for or by reason of his, her, or their having made, given, or entered into or accepted or taken such engagement as aforesaid; and that every such presentation or collation, or gift or bestowing, before the said ninth day of *April* in the present year of our Lord one thousand eight hundred and twenty-seven, and every admission, institution, investiture, and induction thereupon, shall be as valid and effectual in the law, to all intents and purposes whatsoever, as if such engagement had not been made, given, or entered into, or accepted or taken; any thing in the said recited act, or in any other act, statute, or canon, or any law to the contrary in anywise notwithstanding.

All such engagements entered into before 9th April, 1827, valid and effectual in law.

II. And be it further enacted, that every such engagement which hath been made, given, or entered into at any time before the said ninth day of *April* in the present year of our Lord one thousand eight hundred and twenty-seven, for the resignation of any benefice with cure of souls, dignity, prebend, or living ecclesiastical, to the intent or purpose, manifested by the terms of such engagement, that some person specially named or described therein, or one of two persons so specially named or described, should be presented, collated, or nominated to such spiritual office, or that the same should be given or bestowed to or upon him, or for the resignation thereof upon notice or request or otherwise, when a person, or one of two persons, so specially named or described, should become qualified, by age or otherwise, to accept and take the same, shall be good, valid, and effectual in the law to all intents and purposes whatsoever; any thing in the said recited act, or in any other act, statute, or canon, or any law to the contrary in anywise notwithstanding.

Engagements not bona fide made with such intent.

III. Provided always, that nothing in this act contained shall extend or be construed to extend to the case of any engagement which shall not have been made, given, or entered into really and *bona fide* to the intent or purpose aforesaid, and no other: provided also, that nothing herein contained shall be deemed compulsory upon the ordinary to accept the resignation.

If the person so specially named be not presented to such spiritual office within six months, the resignation shall be void.

IV. Provided always, and be it further enacted, that in every case where any such spiritual office shall after the passing of this act be resigned pursuant to any such engagement, and the person, or one of the two persons, so specially named or described therein shall not be presented, collated, nominated, or appointed by donation to such spiritual office within six calendar months next after such resignation, the resignation which shall so have been made pursuant to such engagement shall to all intents and purposes be void and of no effect; and the spiritual person who shall so have resigned shall, without any act or form, and as if such resignation had not been made, be deemed and taken to all intents and purposes to be and to

have continued the incumbent actually in possession of such spiritual office, notwithstanding such resignation, and although within the said six months any other person may have been presented, collated, nominated, instituted, or inducted thereto, or received investiture thereof, provided such person so resigning shall not by reason of any other act or thing have become disqualified to hold the same.

V. Provided also, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to the case of any such engagement, upon or with respect to which any action, suit, bill, plaint, or information shall have been brought, sued out, or commenced and prosecuted before the ninth day of *April* in this present year.

Proviso for proceedings already commenced.

9 GEORGE 4, CAP. 94.—*An act for rendering valid bonds, covenants, and other assurances for the resignation of ecclesiastical preferments, in certain specified cases.*—Whereas it is expedient that certain bonds, covenants, and other assurances for the resignation of ecclesiastical preferments, should be rendered valid in the cases and subject to the limitations hereinafter specified; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every engagement by promise, grant, agreement, or covenant, which shall be really and *bona fide* made, given, or entered into at any time after the passing of this act, for the resignation of any spiritual office, being a benefice with cure of souls, dignity, prebend, or living ecclesiastical, to the intent or purpose, to be manifested by the terms of such engagement, that any one person whatsoever, to be specially named and described therein, or one or two persons to be specially named and described therein, being such persons as are hereinafter mentioned, shall be presented, collated, nominated, or appointed to such spiritual office, or that the same shall be given or bestowed to or upon him, shall be good, valid, and effectual in the law to all intents and purposes whatsoever, and the performance of the same may also be enforced in equity: provided always, that such engagement shall be so entered into before the presentation, nomination, collation, or appointment of the party so entering into the same as aforesaid.

Engagements entered into for the resignation of any benefice upon notice or request to be valid.

Proviso.

II. Provided always, and be it further enacted, that where two persons shall be so specially named and described in such engagement, each of them shall be, either by blood or marriage, an uncle, son, grandson, brother, nephew, or grand nephew of the patron or of one of the patrons of such spiritual office, not being merely a trustee or trustees of the patronage of the same, or of the person or one of the persons for whom the patron or patrons shall be a trustee or trustees, or of the person or one of the persons by whose direction such presentation, collation, gift, or bestowing shall be intended to be made, or of any married woman whose husband in her right shall be the patron or one of the patrons of such spiritual office, or of any other person in whose right such presentation, collation, gift, or bestowing shall be intended to be made.

Relationship of such persons.

III. And be it further enacted, that no presentation, collation, gift, or bestowing to or of any such spiritual office of or upon any spiritual

No presentation to any spiritual



office shall be void by reason of such agreement to resign.

Persons making such agreement not to be liable to penalty.

Such presentations to be valid.

31 Eliz. c. 6.

Not to extend to any engagements, unless the deed be deposited within two months with the registrar of the diocese or peculiar jurisdiction wherein the benefice is situated.

Deed to be open to inspection; and a certified copy to be admitted as evidence.

Fees to registrar.

spiritual person, to be made after the passing of this act, nor any admission, institution, investiture, or induction thereupon, shall be void, frustrate, or of no effect in law for or by reason of any such engagement so to be made, given, or entered into by such spiritual person, or any other person or persons, to or with the patron or patrons of such spiritual office, or to or with any other person or persons, for the resignation of the same as aforesaid; and that it shall not be lawful for the king's most excellent majesty, his heirs or successors, for or by reason of any such engagements as aforesaid, to present or collate unto, or give or bestow such spiritual office; and that such spiritual person, and patron or patrons, or other person or persons respectively, shall not be liable to any pains, penalty, forfeitures, loss, or disability, nor to any prosecution or other proceeding, civil, criminal, or penal, in any court, ecclesiastical or temporal, for or by reason of his, her, or their having made, given, or entered into, or accepted or taken such engagement as aforesaid; and that every such presentation or collation, or gift or bestowing, to be made after the passing of this act, and every admission institution, investiture, and induction thereupon, shall be as valid and effectual in the law to all intents and purposes whatsoever as if such engagement had not been made, given, or entered into, or accepted or taken; any thing in an act passed in the thirty-first year of the reign of her late majesty queen *Elizabeth*, intituled *an act against abuses in elections of scholars and presentations to benefices*, or in any other act, statute, or canon, or any law, to the contrary in anywise notwithstanding.

IV. Provided always, and be it further enacted, that nothing in this act shall extend to the case of any such engagement as aforesaid, unless one part of the deed, instrument, or writing by which such engagement shall be made, given, or entered into, shall, within the space of two calendar months next after the date thereof, be deposited in the office of the registrar of the diocese wherein the benefice with cure of souls, dignity, prebend, or living ecclesiastical, for the resignation whereof such engagements shall be made, given, or entered into as aforesaid, shall be locally situate, except as to such benefices with cure of souls, dignities, prebends, or livings ecclesiastical, as are under the peculiar jurisdiction of any archbishop or bishop, in which case such document as aforesaid shall be deposited in the office of the registrar of that peculiar jurisdiction to which any such benefice with cure of souls, dignity, prebend, or living ecclesiastical, shall be subject; and such registrars shall respectively deposit and preserve the same, and shall give and sign a certificate of such deposit thereof; and every such deed, instrument, or writing shall be produced at all proper and usual hours at such registry to every person applying to inspect the same; and an office copy of each such deed, instrument, or writing, certified under the hand of the registrar (and which office copy so certified the registrar shall in all cases grant to every person who shall apply for the same), shall in all cases be admitted and allowed as legal evidence thereof in all courts whatsoever; and every such registrar shall be entitled to the sum of two shillings, and no more, for so depositing as aforesaid such deed, instrument, or writing, and so as

aforesaid certifying such deposit thereof; and the sum of one shilling, and no more, for each search to be made for the same; and the sum of sixpence, and no more, over and besides the stamp duty, if any, for each folio of seventy-two words of each such office copy so certified as aforesaid.

V. And be it further enacted, that every resignation to be made in pursuance of any such engagement as aforesaid shall refer to the engagement in pursuance of which it is made, and state the name of the person for whose benefit it is made; and that it shall not be lawful for the ordinary to refuse such resignation, unless upon good and sufficient cause to be shown for that purpose; and that such resignation shall not be valid or effectual, except for the purpose of allowing the person for whose benefit it shall be so made to be presented, collated, nominated, or appointed to the spiritual office thereby resigned, and shall be absolutely null and void unless such person shall be presented, collated, nominated, or appointed as aforesaid within six calendar months next after notice of such resignation shall have been given to the patron or patrons of such spiritual office.

Resignation to state the engagement, and name of person for whom made.

Resignation to be void unless the person be presented within six months.

VI. Provided also, and be it further enacted, that nothing in this act shall extend to any case where the presentation, collation, gift, or bestowing to or of any such spiritual office as aforesaid shall be made by the king's most excellent majesty, his heirs or successors, in right of his crown or of his duchy of *Lancaster*; or by any archbishop, bishop, or other ecclesiastical person, in right of his archbishopric, bishopric, or other ecclesiastical living, office, or dignity; or by any other body politic or corporate, whether aggregate or sole, or by any other person or persons, in right of any office or dignity; or by any company, or any feoffees or trustees for charitable or other public purposes; or by any other person or persons not entitled to the patronage of such spiritual office as private property.

Nothing herein to extend to presentations made by the king, &c.

3 & 4 WILLIAM 4, CAP. 27, SECS. 30—34.—*An act for the limitation of actions and suits relating to real property, and for simplifying the remedies for trying the rights thereto.*—See Title—"ADVOWSONS," vol. i. p. 108.

8 & 9 VICTORIA, CAP. 51.—*An act to enable archbishops and bishops in Ireland to charge their sees with the costs incurred by them in defence of their rights of patronage in certain cases; and also to enable tenants for life and other persons having limited interests in estates in Ireland to charge said estates with the costs incurred by them in asserting their rights to ecclesiastical patronage in certain cases.*—See Title—"ADVOWSONS," vol. i. p. 116 b.

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SPACE LEFT  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.



## PROFANE SWEARING.

21 JAMES 1, CAP. 20.—*An act to prevent and reform profane swearing and cursing.*—Forasmuch as all profane swearing and cursing is forbidden by the word of God; be it therefore enacted by the authority of this present parliament, that no person or persons shall from henceforth profanely swear or curse: and that if any person or persons shall at any time or times hereafter offend herein, either in the hearing of any justice of peace of the county, or of any mayor, justice of peace, bailiff or head officer of any city or town corporate, where such offence is or shall be committed, or shall thereof be convicted by the oaths of two witnesses, or by confession of the party, before any such justice of peace of the county, or head officer or justice of the peace in the city or town corporate where such offence is or shall be committed, to which end every justice of peace and every such head officer shall have power by *this act* to minister the same oath; that then every such offender shall for every time so offending forfeit and pay to the use of the poor of that parish where the same offence is or shall be committed, the sum of twelve pence: and it shall also be lawful for the constable, churchwardens and overseers of the poor of that parish, by warrant from such justice of the peace or head officer, to levy the same sum and sums of money by distress and sale of the offender's goods, rendering to the party the overplus: and in defect of such distress, the offender, if he or she be above the age of twelve years, shall by warrant from such justice of the peace or head officer be set in the stocks by three whole hours; but if the offender be under the age of twelve years, and shall not forthwith pay the said sum of twelve pence, then he or she, by warrant of such justice of peace or head officer, shall be whipped by the constable, or by the parent or master in his presence.

None shall profanely swear or curse.

19 Geo. 2, c. 21.

He that profanely curseth or sweareth shall forfeit 12d. to the use of the poor.

The constable, &c. shall levy the said forfeiture.

By 6 & 7 W. 3, c. 11, s. 1, the second offence forfeits double.

II. And be it further enacted, that if any such offender shall commence any suit in law against any officer or other for such distressing, sale of goods, whipping or setting in the stocks, the defendant or defendants may plead the general issue, and give the special matter in evidence to the jury at the trial; and if it be found against the plaintiff, or that the plaintiff be nonsuit, the defendant or defendants shall be allowed good costs, to be taxed by the court.

The officer being sued shall plead the general issue.

III. Provided nevertheless, that every offence against this law shall be complained of, and proved as abovesaid, within twenty days after the offence committed. And it is also enacted, that this act shall be read in every parish church by the minister thereof, upon the *Sunday* after evening prayer, twice in the year.

This offence shall be prosecuted within 20 days.

This act shall be read in the church twice every year.

IV. Provided, that this act shall continue until the end of the first session of the next parliament, and no longer. [3 Car. 1, c. 4, continued until the end of the first session of the next parliament, and further continued by 16 Car. 1, c. 4.]

6 & 7 WILLIAM 3, CAP. 11.—*An act for the more effectual suppressing profane cursing and swearing.*—Whereas it is found by experience, that an act of parliament made in the one and twentieth year of the reign of king *James* the first, intituled, *an act to prevent and reform profane swearing and cursing*, hath proved ineffectual to the suppressing of those detestable sins, by reason of some deficiencies in the said act; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that if any person or persons shall (after the four and twentieth day of *June* in the year of our Lord one thousand six hundred ninety-five) profanely swear or curse in the presence or hearing of any justice of peace of the county, riding or division, or of the mayor or other head officer, or justice of peace for any city or town corporate, where such offence is or shall be committed, or that shall be thereof convicted by oath of one witness, or by the confession of the party offending, before any justice of peace of the county, or mayor, or bailiff, or other chief officer or justice of the peace of such city or town corporate, where the said offence shall be committed; that then, for every such offence, the party so offending shall forfeit and pay to the use of the poor of the parish where such offence or offences shall be committed, the respective sums hereinafter mentioned (that is to say) every servant, day labourer, common soldier, and common seaman, one shilling, and every other person, two shillings; and in case any of the persons aforesaid shall after conviction offend a second time, such person shall forfeit and pay double; and if a third time, treble the sum respectively by him or her to be paid for the first offence.

The forfeitures of several degrees of persons for swearing. Mod. cases in law 58,366.

To be levied by distress.

If no distress, offender to be put in the stocks.

£5 penalty upon justice of peace not executing the act.

II. And it is hereby further enacted, that upon neglect or refusal of payment of the said forfeiture, any justice of peace of the county, riding or division, or mayor or other head officer, or justice of peace of any city or town corporate, where the said offences shall be committed, shall and are hereby authorized and required to direct and send his warrant to the constable, tithingman, churchwarden or overseer of the poor of the parish where the offence shall be committed, or where the offender shall inhabit, thereby commanding them, or some one or more of them, to levy, by distress and sale of the goods of the offender, the sum so forfeited, for the use of the poor of the parish, as aforesaid; and in case no such distress can be had, then every such offender, being above the age of sixteen years, shall, by warrant under the hand and seal of the said justice of peace, or other officer as aforesaid, be publicly set in the stocks for the space of one hour for every single offence, and for any number of offences whereof he shall be convicted at one and the same time, then two hours; and if the party offending be under the age of sixteen years, and shall not forthwith pay the said forfeitures, then he or she shall, by warrant as aforesaid, be whipped by the constable, or by the parent, guardian or master of such offender, in the presence of the constable.

III. And be it further enacted, that if any justice of the peace, or chief magistrate, shall wilfully and wittingly omit the performance of his duty in the execution of this act, he shall forfeit the sum of

five pounds; the one moiety to the use of the informer, to be recovered by action, suit, bill or plaint, in any of his majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall be allowed, nor any more than one imparlance.

IV. And it is hereby further enacted, that if any action or suit shall be commenced or brought against any justice of peace, constable or other officer or person whatsoever, for doing or causing to be done any thing in pursuance of this act, concerning the said offences, the defendant in such action may plead the general issue, and give the special matter in evidence; and if upon such action verdict be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

Officer sued for executing this act may plead general issue, &c.

V. Provided always, and it is hereby enacted, that no person shall be prosecuted or troubled for any offence against this statute, unless the same be proved or prosecuted within ten days next after the offence committed.

Time for prosecuting upon this act.

VI. And it is further enacted by the authority aforesaid, that this act shall be publicly read four several times in the year in all parish churches, and all public chapels, by the parson, vicar or curate of the respective parishes or chapels, immediately after morning prayer, on four several *Sundays* (that is to say) the *Sunday* next after the four and twentieth day of *June*, the nine and twentieth day of *September*, the five and twentieth day of *December*, and the five and twentieth day of *March*, under the pain of twenty shillings for every such omission or neglect.

To be read in churches, &c.

VII. And be it further enacted by the authority aforesaid, that the justices of peace, mayor or other head officer, shall register in a book to be kept for that purpose, all the convictions made before him upon this act, and the time of making thereof, and for what offence, and shall certify the same to the next general quarter sessions of the peace for the said county or place where the offences are committed, to be there kept upon record by the respective clerks of the peace, to be seen without fee or reward.

Convictions to be registered.

9 & 10 WILLIAM 3, CAP. 32.—*An act for the more effectual suppressing of blasphemy and profaneness.*—Whereas many persons have of late years openly avowed and published many blasphemous and impious opinions, contrary to the doctrines and principles of the christian religion, greatly tending to the dishonor of Almighty God, and may prove destructive to the peace and welfare of this kingdom: wherefore for the more effectual suppressing of the said detestable crimes, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any person or persons, having been educated in, or at any time having made profession of the christian religion within this realm, shall by writing, printing, teaching, or advised speaking, deny any one of the persons in the holy *Trinity* to be God, or shall assert or maintain there are more Gods than one, or shall deny the christian religion to be true, or the holy scriptures of the old and new testament to be of divine authority, and shall upon indictment or information in any of his majesty's courts at *Westminster*, or at the assizes, be thereof lawfully convicted by the

Persons denying the Trinity, or asserting there are more Gods than one, or denying the christian religion to be true, &c. being convicted thereof, disabled to

hold any  
office, &c.

Further dis-  
abilities if a  
second time  
convicted  
thereof.

No prosecu-  
tion unless  
information  
be given in  
four days  
after words  
spoken, &c.

Person for  
the first  
offence, (on  
renouncing  
his opinion  
in four  
months after  
conviction)  
shall be dis-  
charged from  
penalty, &c.

oath of two or more credible witnesses; such person or persons for the first offence shall be adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have or enjoy any office or offices, employment or employments, ecclesiastical, civil or military, or any part in them, or any profit or advantage appertaining to them, or any of them: and if any person or persons so convicted as aforesaid, shall at the time of his or their conviction, enjoy or possess any office, place or employment, such office, place or employment shall be void, and is hereby declared void: and if such person or persons shall be a second time lawfully convicted as aforesaid, of all or any the aforesaid crime or crimes, that then he or they shall from thenceforth be disabled to sue, prosecute, plead or use any action or information in any court of law or equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to bear any office, civil or military, or benefice ecclesiastical for ever within this realm, and shall also suffer imprisonment for the space of three years, without bail or mainprize, from the time of such conviction.

II. Provided always, and be it enacted by the authority aforesaid, that no person shall be prosecuted by virtue of this act, for any words spoken, unless the information of such words shall be given upon oath before one or more justice or justices of the peace, within four days after such words spoken, and the prosecution of such offence be within three months after such information.

III. Provided also, and be it enacted by the authority aforesaid, that any person or persons, convicted of all or any of the aforesaid crime or crimes, in manner aforesaid, shall for the first offence (upon his, her, or their acknowledgment and renunciation of such offence or erroneous opinions, in the same court where such person or persons was or were convicted, as aforesaid, within the space of four months after his, her, or their conviction) be discharged from all penalties and disabilities incurred by such conviction; any thing in this act contained to the contrary thereof in anywise notwithstanding.

19 GEORGE 2, CAP. 21.—*An act more effectually to prevent profane cursing and swearing.*—Forasmuch as the horrid, impious, and execrable vices of profane cursing and swearing (so highly displeasing to Almighty God, and loathsome and offensive to every christian) are become so frequent and notorious, that unless speedily and effectually punished, they may justly provoke the divine vengeance to increase the many calamities these nations now labour under: and whereas the laws now in being for punishing those crimes, have not answered the intents for which they were designed, by means of difficulties attending the putting such laws in execution: for remedy whereof, may it please your most excellent majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *June* one thousand seven hundred and forty-six, if any person or persons shall profanely curse or swear, and be thereof convicted on the oath of any one or more witness or witnesses, before any one justice of the

peace for any county, city, riding, division or liberty, or before the mayor, justice, bailiff, or other chief magistrate of any city or town corporate, or by the confession of the party offending, every person or persons so offending, shall forfeit and lose the respective sums hereinafter mentioned; (that is to say)

Every day labourer, common soldier, common sailor, and common seaman, one shilling; The penalty of profane cursing and swearing.

And every other person under the degree of a gentleman, two shillings;

And every person of or above the degree of a gentleman, five shillings.

And in case any such person or persons shall, after conviction, offend a second time, every such person shall forfeit and lose double; and for every other offence after a second conviction, treble the sum first forfeited by any offender, for profane cursing and swearing as aforesaid.

II. And be it further enacted by the authority aforesaid, that in case any person or persons shall profanely swear or curse, in the presence and hearing of any justice of the peace for any county, riding, division or liberty; or in the presence or hearing of any mayor, justice, bailiff, or other chief magistrate of any town corporate; every such justice, mayor, or other chief magistrate as aforesaid, shall and is hereby authorized and required to convict every such offender of such offence (in the form and manner hereinafter set forth) without any other proof whatsoever. Profane swearers in the hearing of any justice, &c. to be convicted without other proof.

III. And be it further enacted by the authority aforesaid, that in case any person or persons shall profanely swear or curse, in the presence and hearing of any constable, petty constable, tithingman, or other peace officer, it shall and may be lawful for any and every such constable, petty constable, tithingman, or other peace officer, and they and each of them are hereby authorized and required (in case any such person shall be unknown to such constable, petty constable, tithingman, or other peace officer) to seize, secure, and detain such offender or offenders, unknown to him or them as aforesaid; and such offender or offenders forthwith to carry before the next justice of the peace for the county, riding, division, or liberty, or before the mayor, justice, bailiff, or other chief magistrate of the town corporate, wherein such offence was committed; and the said justice, mayor, or other chief magistrate, is hereby authorized and required, on the oath of such constable, petty constable, tithingman, or other peace officer, to convict the offender in manner and form hereinafter directed: and in case any such person so profanely swearing or cursing, in the presence or hearing of any such constable, petty constable, tithingman, or other peace officer, shall be known to any of them, every such constable petty constable, tithingman, or other peace officer, shall and is hereby required speedily to make information before some justice of the peace for the county, riding, division or liberty, mayor, justice, bailiff, or chief magistrate of any town corporate as aforesaid, in order that the offender or offenders may be by such justice, mayor, bailiff, or other chief magistrate convicted thereof, and punished for the same, in manner and form as in and by this act is directed. Constables, &c. to seize persons profanely swearing, if unknown, and bring them before the next justice, &c. who is to convict them on the officer's oath; and if they are known, information to be made.



Justice, &c.  
upon information,  
to order the offender  
to appear, &c.

Penalty to be  
paid or security  
given, or the offender  
to be committed  
for ten days to  
the house of  
correction.

Common  
soldiers and  
sailors, not  
paying the  
penalty, &c.

to be set in  
the stocks.

Justices, &c.  
not doing  
their duty,

forfeit £5.

Constables,  
&c. not doing  
their duty,

forfeit forty  
shillings.

IV. And be it further enacted by the authority aforesaid, that every such justice of the peace, mayor, or other chief magistrate as aforesaid, shall immediately upon information given upon oath of any such constable, petty constable, tithingman, or other peace officer, or of any other person whatsoever, cause the offender or offenders to appear before him; and upon such information being proved as aforesaid, convict such offender or offenders in such manner as in and by this act is prescribed. And in case such offender or offenders shall not immediately pay down the respective sum so forfeited, or give security to the satisfaction of such justice, mayor, or other chief magistrate, before whom such conviction is made, it shall and may be lawful for such justice, mayor, or other chief magistrate, to commit the offender to the house of correction for the county, riding, division, liberty, city or town corporate where such offence shall be committed, there to remain, and be kept to hard labour for the space of ten days.

V. Provided always, and it is hereby enacted by the authority aforesaid, that in case any common soldier belonging to any regiment in his majesty's service, or any common sailor or common seaman belonging to any ship or vessel, shall be convicted of profane cursing or swearing as aforesaid, and shall not immediately pay down the penalty by him forfeited, or give security for the same as aforesaid, and also the cost of the information, summons and conviction, as in and by this act is directed; every such common soldier, common sailor or common seaman, instead of being committed to the house of correction, as by this act is directed, shall by the said justice, mayor, bailiff, or other head officer, be ordered to be publicly set in the stocks for the space of one hour, for every single offence; and for any number of offences, whereof he shall be convicted at one and the same time, two hours.

VI. And be it further enacted by the authority aforesaid, that if any justice of the peace of any county, riding, division or liberty, mayor, justice, bailiff, or other chief magistrate of any town corporate, shall wilfully and wittingly omit the performance of his duty, in the execution of this act, he shall forfeit and lose the sum of five pounds; one moiety thereof to the use of the informer, and the other moiety thereof to the use of the poor of the parish wherein such justice, mayor, or other chief magistrate shall reside; to be recovered by action, suit, bill, or plaint, in any of his majesty's courts of record at *Westminster*; wherein no essoin, protection, or wager of law shall be allowed, or more than one imparlance.

VII. And be it further enacted by the authority aforesaid, that if any constable, petty constable, tithingman, or other peace officer, shall wilfully and wittingly omit the performance of his duty in the execution of this act, and be thereof convicted by the oath of one witness, before any justice of the peace for any county, riding, division, or liberty, or before the mayor, justice, bailiff, or other chief magistrate of any town corporate, every such constable, petty constable, tithingman, or other peace officer so offending, shall forfeit and lose the sum of forty shillings; to be levied and recovered by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of such justice, mayor,

or other chief magistrate, and to be disposed of, one moiety thereof to the use of the informer, and the other moiety to the use of the poor of the parish where such offence shall be committed; and in case such offender shall not have sufficient goods and chattels whereon to levy the said penalty, it shall and may be lawful for such justice, mayor, or other magistrate, to commit such offender to the house of correction for the county, riding, division, liberty, city or place, there to remain, and be kept to hard labour for the space of one month.

and for want of distress, to be committed for one month to the house of correction.

VIII. And be it further enacted by the authority aforesaid, that all and every justice of the peace for any county, riding, division or liberty, and all and every mayor, justice, bailiff, or other chief magistrate of any town corporate, before whom any person or persons shall be convicted of profane swearing or cursing, shall cause the conviction to be drawn up in the words and form following.

Middlesex, } BE it remembered, that on the day of Form of  
To wit. } in the year of his conviction;  
          } majesty's reign, *A. B.* was convicted before me (*one of his majesty's justices of the peace for the county, riding, division, or liberty aforesaid; or before me mayor, justice, bailiff, or other chief magistrate of the city or town of within the county of* , as the case shall be) of swearing one or more profane oath or oaths, or of cursing one or more profane curse or curses, as the case shall be.

Given under my hand and seal the day and year aforesaid.

Which said form and conviction shall not be liable to be removed by *certiorari* into his majesty's court of king's bench, but shall be deemed and taken to be final to all intents and purposes whatsoever; and the said justice, mayor, bailiff, or other chief magistrate before whom such conviction shall be made, shall cause the same to be fairly wrote over upon parchment, and returned to the next general or quarter sessions of the peace for the county wherein such conviction was made, to be filed by the clerk of the peace, and remain and be kept amongst the records of the said county.

to be wrote on parchment, and returned to the next sessions.

IX. And be it further enacted by the authority aforesaid, that all and every justice of the peace for any county, riding, division or liberty, and every mayor, justice, bailiff, or other chief magistrate of any city or town corporate may, and they are hereby authorized and required to put this act in execution against any person or persons within their several jurisdictions, although such justice, mayor, bailiff, or other chief magistrate shall be rated and pay to the relief of the poor of any parish, town, or place, where any offence, contrary to the true intent and meaning of this act, shall be committed; any law or statute to the contrary in anywise notwithstanding.

Justices, &c to put this act in execution indifferently.

X. And be it further enacted by the authority aforesaid, that all and every penalty or penalties inflicted by this act, upon any person or persons for profane cursing and swearing, shall be disposed of for the benefit of the poor of the parish wherein such offence was committed; and that all charges of the information and conviction of any such offender shall be borne and paid by the party offending, if

Penalties how to be disposed of.

Offenders to pay all charges over.

and above  
the penalties

able, over and above the penalties inflicted by this act, which charges shall be settled and ascertained by the justice of peace, mayor, bailiff, or other chief magistrate before whom such conviction shall be made. And in case such party shall not be able, or shall not immediately pay the said charges and expenses, or give security for the same to the satisfaction of such justice of the peace, mayor, bailiff, or other chief magistrate, it shall and may be lawful for the justice, mayor, bailiff, or other chief magistrate before whom such information and conviction shall be made, to commit such offender to the house of correction as aforesaid, there to remain and be kept to hard labour for the space of six days, over and above such time for which such offender may be committed in default of payment of the penalties inflicted by this act; and in such case no charges of information and conviction shall be paid by any person whatsoever.

or be com-  
mitted to the  
house of cor-  
rection for  
six days ex-  
traordinary.

General  
issue.

XI. And it is hereby further enacted, that if any action or suit shall be commenced or brought against any justice of the peace, constable, or other officer or person whatsoever, for doing or causing to be done, any thing in pursuance of this act concerning the said offences, the defendant in that action may plead the general issue, and give the special matter in evidence; and if upon such action verdict be given for the defendant, or the plaintiff become nonsuit, or discontinue his action, then the defendant shall have treble costs.

Treble costs.

Proof, &c. to  
be made  
within eight  
days.

XII. Provided always, and it is hereby enacted, that no person shall be prosecuted or troubled for any offence against this statute hereinbefore or hereinafter mentioned, unless the same be proved or prosecuted within eight days next after the offence committed.

Act to be  
read quar-  
terly in all  
churches,  
&c.

XIII. And it is further enacted by the authority aforesaid, that this act shall be publicly read four several times in the year, in all parish churches and public chapels, by the parson, vicar, or curate of the respective parishes or chapels, immediately after morning or evening prayer, on four several *Sundays* (that is to say) the *Sunday* next after the twenty-fifth day of *March*, twenty-fourth day of *June*, twenty-ninth day of *September*, and twenty-fifth day of *December*, in every year; or in case divine service shall not be performed in any such church or chapel on any of the *Sundays* before mentioned, then upon the first *Sunday* after any of the said quarterly days on which divine service shall happen to be performed in any such church or chapel, under the pain of forfeiting the sum of five pounds for every such omission or neglect; to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any one justice, mayor, bailiff, or other chief magistrate as aforesaid.

Penalty of  
£5 for neg-  
lect.

Fee of one  
shilling to  
the justice's  
&c. clerk.

XIV. And be it further enacted by the authority aforesaid, that the clerk of the justice, mayor, bailiff or other chief officer, before whom proceedings upon this act shall be had, shall and may receive and take for the information, summons and conviction of every offender against this act, the sum one shilling and no more.

21 Jac. 1, c. 20,  
and 6 & 7  
W. 3, c. 11,  
repealed.

XV. And be it further enacted by the authority aforesaid, that from and after the said first day of *June* one thousand seven hundred and forty-six, an act made in the twenty-first year of the reign of king *James* the first, intituled *an act to prevent and reform profane cursing and swearing*; and also an act made in the sixth and seventh

years of the reign of king *William* the third, intituled *an act for the more effectual suppressing profane cursing and swearing*, shall be and are hereby repealed.

4 GEORGE 4, CAP. 31.—*An act to amend an act passed in the nineteenth year of the reign of his late majesty king George the second, intituled an act more effectually to prevent profane cursing and swearing.*—Whereas by an act passed in the nineteenth year of the reign of his late majesty king *George* the second, intituled *an act more effectually to prevent profane cursing and swearing*, it is amongst other things provided, that the said act shall be publicly read four several times in the year in all parish churches and public chapels, by the parson, vicar or curate of the respective parishes or chapels, immediately after morning or evening prayer, on four several *Sundays*; (that is to say), the *Sunday* next after the twenty-fifth day of *March*, twenty-fourth day of *June*, twenty-ninth day of *September*, and twenty-fifth day of *December* in every year; or in case divine service shall not be performed in any such church or chapel on any of the *Sundays* before mentioned, then upon the first *Sunday* after any of the said quarterly days on which divine service shall happen to be performed in any such church or chapel, upon pain of forfeiting the sum of five pounds for every such omission and neglect, to be levied by distress and sale of the offender's goods and chattels, by virtue of a warrant under the hand and seal of any one justice, mayor, bailiff or other chief magistrate as aforesaid: and whereas it is expedient that the above recited provision should be repealed; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said statute as is hereinbefore recited shall be and the same is hereby repealed.

19 G. 2, c. 21,  
a. 13, repealed

II. And be it further enacted, that this act shall be deemed and taken to be a public act; and shall be judicially taken notice of as such, by all judges, justices and others, without being specially pleaded.

Public act.

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SPACE LEFT,  
FOR REFERENCE, IF NECESSARY.  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.



## PROHIBITION.

13 EDWARD I. STAT. 4. CIRCUMSPECTE AGATIS — *Certain cases wherein the king's prohibition doth not lie.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 1.

24 EDWARD I. THE STATUTE OF THE WRIT OF CONSULTATION. — *In what case a consultation is grantable.* Whereas ecclesiastical judges have often surceased to proceed in causes moved before them, by force of the king's writ of prohibition, in cases wherein remedy could not be given to complainants in the king's court, by any writ out of the chancery, whereby such plaintiffs were deferred of their right and remedy in both courts, as well temporal as spiritual, to their great damage, like as the king hath been advertised by the grievous complaint of his subjects: our lord the king willeth and commandeth, that where ecclesiastical judges do surcease in the aforesaid cases, by the king's prohibition directed unto them, that the chancellor, or the chief justice of our lord the king for the time being, upon sight of the libel of the same matter, at the instance of the plaintiff (if they can see that the case cannot be redressed by any writ out of the chancery, but that the spiritual court ought to determine the matters) shall write to the ecclesiastical judges, before whom the cause was first moved, that they proceed therein, notwithstanding the king's prohibition directed to them before. Given in the eighteenth year.

12 H. 7, f. 22.  
2 H. 4, f. 9.

Regist. 44.  
East. 483.

9 EDWARD 2, STAT. 1, PREF. & CAPS. 1—6.—*No prohibition shall be granted where tithes be demanded, where money is paid for them.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516m.

*Certain statutes made during the reigns of king Henry the third, king Edward the first, or king Edward the second, but uncertain when, or in which of their times.*—*Articles against the king's prohibitions.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 1.

50 EDWARD 3, CAP. 4.—*No prohibition shall be allowed after consultation duly granted.*—It is ordained and stablished of the said assent, that whereas a consultation is once duly granted upon a prohibition made to the judge of the holy church, that the same judge may proceed in the cause by virtue of the same consultation, notwithstanding any other prohibition thereupon to him delivered: provided always, that the matter in the libel of the said cause be not engrossed, enlarged, or otherwise changed.

Cro. Car. 208.  
1 Roll 378,  
2 Roll 207,  
500.

3 Bulstr. 182.  
Carthew 463.  
Latch 6.  
Regist. 45.

8 & 9 WILLIAM 3, CAP. 11, SEC. 3.—*An act for the better preventing frivolous and vexatious suits.*

III. Be it further enacted by the authority aforesaid, that from and after the said five and twentieth day of *March*, in all actions of waste, and actions of debt upon the statute for not setting forth of tithes, wherein the single value or damage found by the jury shall not exceed the sum of twenty nobles, and in all suits upon any writ or writs of *scire facias*, and suits upon prohibitions, the plaintiff obtaining judgment, or any award of execution after plea pleaded or demurrer joined therein, shall likewise recover his costs of suit; and

Plaintiff  
obtaining  
judgment on  
an action of  
waste, &c. to  
recover costs

if the plaintiff shall become nonsuit, or suffer a discontinuance, or a verdict shall pass against him, the defendant shall recover his costs, and have execution for the same in like manner as aforesaid.

1 WILLIAM 4, CAP. 21.—*An act to improve the proceedings in prohibition and on writs of mandamus.*—Whereas the filing a suggestion of record on application for a writ of prohibition is productive of unnecessary expense, and the allegation of contempt in a declaration in prohibition filed before writ issued is an unnecessary form; and it is expedient to make some better provision for payment of costs in cases of prohibition; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lord's spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall not be necessary to file a suggestion on any application for a writ of prohibition, but such application may be made on affidavits only; and in case the party applying shall be directed to declare in prohibition before writ issued, such declaration shall be expressed to be on behalf of such party only, and not, as heretofore, on the behalf of the party and of his majesty, and shall contain and set forth in a concise manner so much only of the proceeding in the court below as may be necessary to shew the ground of the application, without alleging the delivery of a writ or any contempt, and shall conclude by praying that a writ of prohibition may issue; to which declaration the party defendant may demur, or plead such matters, by way of traverse or otherwise, as may be proper to shew that the writ ought not to issue, and conclude by praying that such writ may not issue; and judgment shall be given, that the writ of prohibition do or do not issue, as justice may require; and the party in whose favour judgment shall be given, whether on nonsuit, verdict, demurrer, or otherwise, shall be entitled to the costs attending the application and subsequent proceedings, and have judgment to recover the same; and in case a verdict shall be given for the party plaintiff in such declaration, it shall be lawful for the jury to assess damages, for which judgment shall also be given, but such assessment shall not be necessary to entitle the plaintiff to costs.

Applications for writs of prohibitions may be made on affidavit only. Contents of declaration in case the party is directed to declare in prohibition.

Defendant may demur to declaration.

Judgment.

Costs.

Damages.

So much of 2 & 3 Ed. 6, c. 13, as relates to prohibition repealed.

The enactments of 9 Anne, c. 20, relating to returns to writs of mandamus therein mentioned and the proceedings thereon, extended to all other writs of mandamus.

II. And be it further enacted, that so much of an act passed in the second and third years of the reign of king *Edward the sixth*, intituled *an act for payment of tithes*, as relates to prohibition, shall be and the same is hereby repealed.

III. And whereas the provisions contained in a certain act of parliament passed in the ninth year of the reign of queen *Anne*, intituled *an act for rendering the proceedings upon writs of mandamus and informations in the nature of a quo warranto more speedy and effectual, and for the more easy trying and determining the rights of offices and franchises in corporations and boroughs*, relating to the writs of mandamus therein mentioned, have been found useful and convenient, and the same ought to be extended to the proceeding on other such writs; be it therefore enacted, that the several enactments contained in the said statute relating to the return to writs of mandamus, and the proceedings on such returns, and to the recovery of damages and costs, shall be and the same are hereby extended and made applicable to all other writs of mandamus, and the pro-

ceedings thereon, except so far only as the same may be varied or altered by this act.

IV. And whereas writs of mandamus, other than such as relate to the offices and franchises mentioned in or provided for by the said act made in the ninth year of the reign of queen *Anne*, are sometimes issued to officers and other persons commanding them to admit to offices, or do or perform other matters in respect whereof the persons to whom such writs are directed claim no right or interest, or whose functions are merely ministerial in relation to such offices or matters; and it may be proper that such officers and persons should in certain cases be protected against the payment of damages or costs to which they may otherwise become liable; be it therefore enacted, that it shall be lawful for the court to which application may be made for any writ of mandamus, (other than such as relate to the said offices and franchises mentioned in or provided for by the said act made in the reign of queen *Anne*), if such court shall see fit so to do, to make rules and orders, calling not only upon the person to whom such writ may be required to issue, but also all and every other person having or claiming any right or interest in or to the matter of such writ, to shew cause against the issuing of such writ and payment of costs of the application, and upon the appearance of such other person in compliance with such rules, or in default of appearance after service thereof, to exercise all such powers and authorities, and make all such rules and orders, applicable to the case, as are or may be given or mentioned by or in any act passed or to be passed during this present session of parliament for giving relief against adverse claims made upon persons having no interest in the subject of such claims: provided always, that the return to be made to any such writ, and issues joined in fact or in law upon any traverse thereof, or upon any demurrer, shall be made and joined by and in the name of the person to whom such writ shall be directed; but nevertheless the same shall and may, if the court shall think fit so to direct, be expressed to be made and joined on the behalf of such other person as may be mentioned in such rules; and in that case such other person shall be permitted to frame the return, and to conduct the subsequent proceedings, at his own expense; and in such case, if any judgment shall be given for or against the party suing such writ, such judgment shall be given against or for the person or persons on whose behalf the return shall be expressed to be made, and who shall have the like remedy for the recovery of costs and enforcing the judgment as the person to whom the writ shall have been directed might and would otherwise have had.

V. And be it further enacted, that in case the return to any such writ shall, in pursuance of the authority given by this act, be expressed to be made on behalf of any other person as aforesaid, the further proceedings on such writ shall not abate or be discontinued by the death or resignation of, or removal from office of, the person having made such return, but the same shall and may be continued and carried on in the name of such person; and if a peremptory writ shall be awarded, the same shall and may be directed to any successor in office or right to such person.

For protection of certain officers to whom writs of mandamus are directed.

Proceedings not to abate by removal of officer.



Costs to be  
in the dis-  
cretion of the  
court.

VI. And, for making some further provision for the payment of costs on applications for mandamus, be it further enacted, that in all cases of application for any writ of mandamus whatsoever, the costs of such application, whether the writ shall be granted or refused, and also the costs of the writ, if the same shall be issued and obeyed, shall be in the discretion of the court, and the court is hereby authorized to order and direct by whom and to whom the same shall be paid.

9 & 10 VICTORIA, CAP. 113.—*An act to improve the proceedings in prohibition and on writs of mandamus in Ireland.*—Whereas by an act passed in the first year of the reign of his late majesty king William the fourth, intituled *an act to improve the proceedings in prohibition and on writs of mandamus*, certain provisions were made relating to applications for writs of prohibition, and to the proceedings thereon, and to damages and costs of such applications and proceedings; and it is expedient that the said provisions should be extended to and be in force in *Ireland*: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the several enactments contained in the said statute relating to applications for writs of prohibition, and to declarations and other pleadings and proceedings thereon, and to the recovery of costs and damages therein, shall be and the same are hereby extended to and shall be in force in *Ireland*.

Provisions of  
act 1 W. 4,  
c. 21, as to  
writs of pro-  
hibition ex-  
tended to  
*Ireland*.

Provisions of  
the act  
19 G. 2. (1.)  
as to writs of  
mandamus  
extended to  
other cases  
of writs of  
mandamus.

II. And whereas the provisions contained in an act passed in the parliament of *Ireland* in the nineteenth year of the reign of his late majesty king George the second, intituled *an act for the better regulation of corporations*, relating to the writs of *mandamus*, therein mentioned, have been found useful and convenient, and the same ought to be extended to the proceedings on other such writs; be it therefore enacted, that the several enactments contained in the said last mentioned statute relating to the returns to writs of *mandamus*, and the proceedings on such returns, and to the recovery of damages and costs, shall be and the same are hereby extended and made applicable to all other writs of *mandamus*, and the proceedings thereon, except so far only as the same may be varied or altered by this act.

For protec-  
tion of cer-  
tain officers  
to whom  
writs of  
mandamus  
are directed.

III. And whereas writs of *mandamus*, other than such as relate to the offices and franchises mentioned in or provided for by the said act made in the nineteenth year of the reign of king George the second, are sometimes issued to officers and other persons, commanding them to admit to offices or do or perform other matters in respect whereof the persons to whom such writs are directed claim no right or interest, or whose functions are merely ministerial in relation to such offices or matters; and it may be proper that such officers and persons should in certain cases be protected against the payment of damages or costs to which they may otherwise become liable; be it therefore enacted, that it shall be lawful for the court in *Ireland* to which application may be made for any writ of *mandamus* (other than such as relate to the said offices and franchises mentioned in or provided for by the said act made in the reign of king George

the second), if such court shall see fit so to do, to make rules and orders calling not only upon the person to whom such writ may be required to issue, but also all and every other person having or claiming any right or interest in or to the matter of such writ, to show cause against the issuing of such writ, and payment of costs of the application; and upon the appearance of such other person in compliance with such rules, or in default of appearance after service thereof, to exercise all such powers and authorities, and make all such rules and orders applicable to the case, as are or may be given or mentioned by or in any act passed or to be passed during this present session of parliament for giving relief against adverse claims made upon persons having no interest in the subject of such claims: provided always, that the return to be made to any such writ, and issues joined in fact or in law upon any traverse thereof, or upon any demurrer, shall be made and joined by and in the name of the person to whom such writ shall be directed; but nevertheless the same shall and may, if the court shall think fit so to direct, be expressed to be made and joined on the behalf of such other person as may be mentioned in such rules, and in that case such other person shall be permitted to frame the return, and to conduct the subsequent proceedings at his own expense; and in such case, if any judgment shall be given for or against the party suing such writ, such judgment shall be given against or for the person or persons on whose behalf the return shall be expressed to be made, and who shall have the like remedy for the recovery of costs and enforcing the judgment as the person to whom the writ shall have been directed might and would otherwise have had.

Proviso as to returns of writs and issues joined.

IV. And be it enacted, that in case the return to any such writ shall, in pursuance of the authority given by this act, be expressed to be made on behalf of any other person as aforesaid, the further proceedings on such writ shall not abate or be discontinued by the death or resignation of or removal from office of the person having made such return, but the same shall and may be continued and carried on in the name of such person; and if a peremptory writ shall be awarded the same shall and may be directed to any successor in office or right to such person.

Proceedings not to abate by death, &c. of the officer having made the return.

V. And for making some further provision for the payment of costs on application for *mandamus*, be it enacted, that in all cases of applications for any writ of *mandamus* whatsoever in *Ireland* the costs of such application, whether the writ shall be granted or refused, and also the costs of the writ, if the same shall be issued and obeyed, shall be in the discretion of the court, and the court is hereby authorized to order and direct by whom and to whom the same shall be paid.

The costs of application for a *mandamus* to be in the discretion of the court.

VI. And whereas it is expedient that parties interested in the issuing of or in the proceeding upon writs of *mandamus* shall be enabled in certain cases to have the judgments and decisions of the court of queen's bench in *Ireland* in respect of the said writs, and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established: and whereas there is not any power or authority given by the said recited act of the reign of his majesty

Where prosecutor intends to object to the validity of a return to a *mandamus*, he must do so by way of demurrer.

Proceedings  
thereupon.

king *George* the second to the person prosecuting a writ of *mandamus* to demur to the return made to any such writ, so that the decision of the said court of queen's bench as to the validity of such return could be reviewed by a court of error; for remedy whereof, therefore, be it enacted, that in all cases in which the person prosecuting any writ of *mandamus* heretofore issued or hereafter to be issued shall wish or intend to object to the validity of any return heretofore made or hereafter to be made to the same, he shall do so by way of demurrer to the same, in such and the like manner as is now practised and used in the said court in personal actions, and thereupon the said writ and return and the said demurrer shall be entered on record in the said court, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions in the said court; and the said court shall thereupon adjudge either that the said return is valid in law, or that it is not valid in law, or that the writ of *mandamus* is not valid in law; and if the court adjudge that the said writ is valid in law, but that the return thereto is not valid in law, then and in every such case the court shall also by the said judgment award that a peremptory *mandamus* shall issue in that behalf; and thereupon such peremptory writ of *mandamus* may be sued out and issued accordingly at any time after four days from the signing of the said judgment; and it shall be lawful for the said court and they are hereby required, in and by their said judgment, to award costs to be paid to the party in whose favour they shall thereby decide, by the other party or parties.

Party ag-  
grieved by  
judgment  
may sue out  
a writ of  
error to re-  
verse the  
same.

VII. And be it enacted, that whenever any such judgment as is hereinbefore mentioned shall be given, or whenever issue in fact or in law shall be joined upon any pleadings, in pursuance of the said recited act of the reign of his majesty king *George* the second, and of this act, or of either of them, and judgment shall be given thereon by the said court, it shall be lawful for any party to the record in any of such cases, who shall think himself aggrieved by such judgment, to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner and to such court or courts as a party to any personal action in the said court of queen's bench in *Ireland* may now sue out and prosecute a writ of error upon the judgment in such action, and such and the like proceedings shall thereupon be had and taken, and such costs awarded, as in ordinary cases of writs of error upon judgments of the said court in personal actions; and if the judgment of the said court be reversed by the court of error the said court of error shall thereupon, by their judgment, not only reverse the same, but shall also, in addition thereto, give the same judgment which the court whose judgment is so reversed ought to have given in that behalf; and if by their said judgment they shall award that a peremptory writ of *mandamus* shall issue, the same shall and may accordingly be issued by the proper officer in the office from which such writs issue, upon production to him of an office copy of the said judgment of the court of error, which shall be his authority and warrant for so doing: provided always, that bail in error to the amount of fifty pounds, or such other sum as may by any rule of practice be appointed as

Bail in error  
shall be duly  
put in within

hereinafter provided, shall be duly put in within four days after the allowance of the said writ of error, and the same shall afterwards be duly perfected according to the practice of the court wherein the said original judgment was given, otherwise the plaintiff in error shall be deemed to have abandoned his writ of error, and the same shall not be further prosecuted.

four days  
after allow-  
ance of writ.

VIII. And be it enacted, that no action, suit, or any other proceeding shall be commenced or prosecuted in *Ireland* against any person or persons whatsoever for or by reason of any thing done in obedience to any peremptory writ of *mandamus* issued by any court having authority to issue writs of *mandamus*.

No action,  
&c. by reason  
of any thing  
done in obe-  
dience to any  
peremptory  
writ.

IX. And be it enacted, that the said court or courts of error which are hereby empowered to take cognizance of the matters aforesaid may make and they are hereby directed to make, from time to time and as often as they shall see occasion, such rules of practice in reference to the said application and the proceedings thereon, and in reference to the writs of error hereinbefore mentioned, and the proceedings thereon, and the amount of bail to be taken, as the said courts respectively may deem necessary to effectuate the intention of this act in relation to the same respectively.

Court of  
error may  
make rules  
of practice.  
&c.

X. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

Act may be  
amended, &c.

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SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.



## PROTESTANTS, FOREIGN, NATURALIZED.

7 ANNE, CAP. 5.—*An act for naturalizing foreign protestants.*—Whereas the increase of people is a means of advancing the wealth and strength of a nation; and whereas many strangers of the protestant or reformed religion out of a due consideration of the happy constitution of the government of this realm, would be induced to transport themselves and their estates into this kingdom, if they might be made partakers of the advantages and privileges which the natural born subjects thereof do enjoy; be it enacted, &c. All persons taking the oaths, and making and subscribing the declaration appointed by 6 Anne, c. 23, shall be deemed natural born subjects. No person to have the benefit of this act, unless he have received the sacrament, &c.

III. And be it further enacted by the authority aforesaid, that the children of all natural born subjects born out of the legiance of her majesty, her heirs and successors, shall be deemed, adjudged, and taken to be natural born subjects of this kingdom, to all intents, constructions, and purposes whatsoever. Children of natural born subjects born abroad, to be deemed natural born subjects; explained by 4 Geo. 2, c. 21.

IV. And be it further enacted by the authority aforesaid, that all persons born out of the legiance of her majesty, her heirs or successors, who shall qualify themselves in the courts of chancery, queen's bench, common pleas or exchequer, within the kingdom of Ireland, or at some general quarter sessions of the peace, to be held for the county where he or they do or shall inhabit, reside, or settle within the said kingdom, in like manner as persons are by this act required to do within the kingdom of Great Britain, all and every such persons shall be deemed, adjudged, and taken to be her majesty's natural born subjects of the said kingdom of Ireland, to all intents, constructions, and purposes, as if they, and every of them, had been, or were born within the said kingdom of Ireland. This act to extend to Ireland. See further concerning naturalization, 1 G. 1, c. 4. 13 Geo. 2, c. 7. 20 Geo. 2, c. 44. 23 Geo. 2, c. 45. 25 Geo. 2, c. 59.

10 ANNE, CAP. 5.—*An act to repeal the act of the seventh year of her majesty's reign, intituled an act for naturalizing foreign protestants (except what relates to the children of her majesty's natural born subjects born out of her majesty's allegiance.)*—Whereas an act of parliament was made and passed in the seventh year of her majesty's reign, intituled *an act for naturalizing foreign protestants*: and whereas divers mischiefs and inconveniences have been found by experience to follow from the same, to the discouragement of the natural born subjects of this kingdom, and to the detriment of the trade and wealth thereof; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the before mentioned act, and all the matters and things therein contained (except so much of the said act by which the children of all natural born subjects born out of the allegiance of her majesty, her heirs 7 Anne, c. 5. Repealed, except the children of natural born subjects, born out of the queen's legiance.

This repeal  
not to preju-  
dice any per-  
sons natural-  
ized before  
4 Feb. 1711.

and successors, are to be deemed, adjudged, and taken to be natural born subjects of this kingdom) shall be, and is hereby repealed, annulled, and made void, to all intents and purposes whatsoever; provided nevertheless, that such repeal shall not in any sort prejudice or impeach the naturalization of any persons who have been or shall be naturalized at any time before the fourth day of *February* which shall be in the year of our Lord one thousand seven hundred and eleven, pursuant to the directions of the before mentioned act.

1 GEORGE 1, STAT. 2, CAP. 29.—An act for allowing a time for two hundred and thirteen families of protestant *Palatines*, now settled in *Ireland*, to take the oaths, in order to entitle them to all the benefits intended them by the act of the seventh year of her late majesty's reign, for naturalizing foreign protestants. EXP.

4 GEORGE 2, CAP. 21.—*An act to explain a clause in an act made in the seventh year of the reign of her late majesty queen Anne, for naturalizing foreign protestants, which relates to the children of the natural born subjects of the crown of England, or of Great Britain.*—

7 Anne, c. 5.

Whereas by an act of parliament made in the seventh year of the reign of her late majesty queen *Anne*, intituled *an act for naturalizing of foreign protestants*, it is amongst other things, enacted, that the children of all natural born subjects, born out of the legiance of her said late majesty, her heirs and successors, should be deemed, adjudged and taken to be natural born subjects of this kingdom to all intents, constructions and purposes whatsoever; and whereas in the

10 Anne, c. 5.

tenth year of her said late majesty's reign another act was made and passed to repeal the said act (except what related to the children of her majesty's natural born subjects, born out of her majesty's allegiance): and whereas some doubts have arisen upon the construction of the said recited clause in the said act of the seventh year of her late majesty's reign: now for the explaining the said recited clause in the said act, relating to children of natural born subjects, and to prevent any disputes touching the true intent and meaning thereof, may it please your most excellent majesty that it may be declared and enacted, and be it declared and enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all children born out of the legiance of the crown of *England*, or of *Great Britain*, or which shall hereafter be born out of such legiance, whose fathers were or shall be natural born subjects of the crown of *England*, or of *Great Britain*, at the time of the birth of such children respectively, shall and may, by virtue of the said recited clause in the said act of the seventh year of the reign of her said late majesty, and of this present act, be adjudged and taken to be, and all such children are hereby declared to be natural born subjects of the crown of *Great Britain*, to all intents, constructions and purposes whatsoever.

Children of  
natural born  
subjects born  
out of the  
allegiance of  
the crown,  
declared to be  
natural born.

7 Anne, c. 5,  
f. 3.

Children of  
parents  
attainted of  
treason,

II. Provided always, and be it further enacted and declared by the authority aforesaid, that nothing in the said recited act of the seventh year of her said late majesty's reign, or in this present act contained, did, doth or shall extend, or ought to be construed, adjudged or taken to extend, to make any children born or to be born out of the legiance of the crown of *England*, or of the crown of

*Great Britain*, to be natural born subjects of the crown of *England*, or of *Great Britain*, whose fathers at the time of the birth of such children respectively were or shall be attainted of high treason, by judgment, outlawry or otherwise, either in this kingdom or in *Ireland*, or whose fathers at the time of the birth of such children respectively, by any law or laws made in this kingdom or in *Ireland*, were or shall be liable to the penalties of high treason or felony, in case of their returning into this kingdom or into *Ireland* without the licence of his majesty, his heirs or successors, or of any of his majesty's royal predecessors, or whose fathers at the time of the birth of such children respectively were or shall be in the actual service of any foreign prince or state then in enmity with the crown of *England*, or of *Great Britain*, but that all such children are, were and shall be and remain in the same state, plight and condition to all intents, constructions and purposes whatsoever, as they would have been in, if the said act of the seventh year of her said late majesty's reign, or this present act, had never been made; any thing herein, or in the said act of the seventh year of her said late majesty's reign contained to the contrary in anywise notwithstanding.

or in actual service of foreign princes in enmity with the crown, excepted.

III. Provided always, and be it further enacted by the authority <sup>Proviso.</sup> aforesaid, that if any child, whose father at the time of the birth of such child was attainted of high treason as aforesaid, or was liable to the penalties of high treason or felony, in case of returning into this kingdom or *Ireland* without licence as aforesaid, or was in the actual service of any foreign prince or state then in enmity with the crown of *England*, or of *Great Britain* (other than and excepting always out of this proviso all children of such persons, who went out of *Ireland* in pursuance of the articles of *Limerick*) hath come into *Great Britain* or *Ireland*, or any other of the dominions belonging to the crown of *Great Britain*, and hath continued to reside within *Great Britain* or *Ireland*, or other the dominions aforesaid, for the space of two years, at any time between the sixteenth day of *November* in the year of our Lord one thousand seven hundred and eight, and the twenty-fifth day of *March* in the year of our Lord one thousand seven hundred and thirty one, and during such residence hath professed the protestant religion; or if any child, whose father at the time of his or her birth was within any of the descriptions before mentioned, hath come into *Great Britain* or *Ireland*, or any other of the dominions belonging to the crown of *Great Britain*, and professed the protestant religion, and died within *Great Britain* or *Ireland*, or any other of the dominions aforesaid, at any time between the said sixteenth day of *November* in the year of our Lord one thousand seven hundred and eight, and the said twenty-fifth day of *March* in the year of our Lord one thousand seven hundred and thirty one; or if any child, whose father at the time of his or her birth was within any of the descriptions before mentioned, hath been and continued in the actual possession or receipt of the rents and profits of any lands, tenements or hereditaments in *Great Britain* or *Ireland*, for the space of one whole year, at any time between the said sixteenth day of *November* in the year of our Lord one thousand seven hundred and eight, and the said twenty-fifth day of *March* in the year of our Lord one thousand seven hundred and thirty-one, or



hath *bona fide*, and for good and valuable consideration, sold, conveyed or settled any lands, tenements or hereditaments in *Great Britain* or *Ireland*, and any person claiming title thereto, under such sale, conveyance or settlement, hath been and continued in the actual possession or receipt of the rents and profits thereof for the space of six months, between the said sixteenth day of *November* in the year of our Lord one thousand seven hundred and eight, and the said twenty-fifth day of *March* in the year of our Lord one thousand seven hundred and thirty-one, every such child shall be deemed, adjudged and taken to be and to have been a natural born subject of the crown of *England*, or of the crown of *Great Britain*, to all intents, constructions and purposes whatsoever; any thing herein contained to the contrary thereof in anywise notwithstanding.

Preamble.

Foreigners living seven years in any of our colonies to be deemed natives, on taking the oaths, &c.

Quakers to subscribe the declaration of fidelity, &c.

13 GEORGE 2, CAP. 7.—*An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his majesty's colonies in America.*—Whereas the increase of people is a means of advancing the wealth and strength of any nation or country; and whereas many foreigners and strangers from the lenity of our government, the purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his majesty's colonies in *America*, if they were made partakers of the advantages and privileges which the natural born subjects of this realm do enjoy; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *June* in the year of our Lord one thousand seven hundred and forty, all persons born out of the legiance of his majesty, his heirs or successors, who have inhabited and resided, or shall inhabit or reside, for the space of seven years or more, in any of his majesty's colonies in *America*, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty king *George* the first, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors*; or, being of the people called *Quakers*, shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act made in the eighth year of the reign of his said late majesty, intituled *an act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under*; and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for exempting their majesties' protestant subjects from the penalties of certain laws*; before the chief judge, or other judge of the colony wherein such persons respectively have so

inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be, his majesty's natural born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every of them, had been or were born within this kingdom; which said oath or affirmation and subscription of the said declarations respectively the chief judge or other judge of every of the said respective colonies is hereby enabled and empowered to administer and take; and the taking and subscribing of every such oaths or affirmation, and the making, repeating, and subscribing of every such declaration, shall be before such chief judge or other judge, in open court, between the hours of nine and twelve in the forenoon; and shall be entered in the same court, and also in the secretary's office of the colony wherein such person shall so inhabit and reside: and every chief judge or other judges of every respective colony, before whom such oaths or affirmation shall be taken and every such declaration shall be made, repeated and subscribed as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in the said court; for the doing whereof two shillings and no more shall be paid at each respective place, under the penalty and forfeiture of ten pounds of lawful money of Great Britain for every neglect or omission: and in like manner every secretary of the colony wherein any person shall so take the said oaths or affirmation, and make, repeat, and subscribe the said declarations respectively, as aforesaid, is hereby required to make a due and proper entry thereof in a book to be kept for that purpose in his office, upon notification thereof to him by the chief judge or other judge of the same colony, under the like penalty and forfeiture for every such neglect or omission.

Entries to be made in books to be kept for public inspection

Two shillings to be paid and no more, for each entry, on £10 penalty. The same penalty on secretary's neglecting to register.

II. Provided always, and be it enacted by the authority aforesaid, that no person, of what quality, condition, or place soever, other than and except such of the people called *Quakers* as shall qualify themselves and be naturalized by the ways and means hereinbefore mentioned, or such who profess the *Jewish* religion, shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper, in some protestant and reformed congregation within this kingdom of *Great Britain*, or within some of the said colonies in *America*, within three months next before his taking and subscribing the said oaths, and making, repeating, and subscribing the said declaration; and shall, at the time of his taking and subscribing the said oaths, and making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the secretary's office of the colony, wherein such person shall so inhabit and reside, as also in the court where the said oaths shall be so taken as aforesaid, without any fee or reward.

Each qualified person to receive the sacrament, except Quakers and Jews. 20 Geo. 2, c. 44.

III. And whereas the following words are contained in the latter part of the oath of abjuration, *videlicet* (*upon the true faith of a christian*) and whereas the people professing the *Jewish* religion may thereby be prevented from receiving the benefit of this act: be it further enacted by the authority aforesaid, that whenever any person professing the *Jewish* religion shall present himself to take the said

Jews taking the oaths, may omit

some christian expressions.

oath of abjuration in pursuance of this act, the said words (*upon the true faith of a christian*) shall be omitted out of the said oath in administering the same to such person, and the taking and subscribing the said oath by such person professing the *Jewish* religion, without the words aforesaid, and the other oaths appointed by the said act in like manner as *Jews* were permitted to take the oath of abjuration, by an act made in the tenth year of the reign of his late majesty king *George* the first, intituled *an act for explaining and amending an act of the last session of parliament, intituled, an act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his majesty's person and government, by several acts herein mentioned, to register their names and real estates; and for enlarging the time for taking the said oaths, and making such registers, and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled pursuant to an act of the third year of his majesty's reign; and also for giving relief to protestant lessees*, shall be deemed a sufficient taking of the said oaths, in order to entitle such person to the benefit of being naturalized by the virtue of this act.

Certificates given by the colony of residence, taking the oaths, &c. to be allowed proper evidence in all the courts of Great Britain and Ireland. This clause is extended by 20 Geo. 2, c. 44.

IV. And be it further enacted by the authority aforesaid, that a testimonial or certificate under the seal of any of the said colonies, of any persons having resided and inhabited for the space of seven years or more as aforesaid within the said colonies or some of them, to be specified in such certificate, together with the particular time of residence in each of such respective colonies (whereof the colony under the seal of which such certificate shall be given to be one) and of his having taken and subscribed the said oaths, and of his having made, repeated and subscribed the said declaration, and in case of a *Quaker* of his having made and subscribed the declaration of fidelity, and of his having taken and affirmed the effect of the abjuration oath as aforesaid, and in the case of a person professing the *Jewish* religion, of his having taken the oath of abjuration as aforesaid, within the same colony, under the seal whereof such certificate shall be given as aforesaid, shall be deemed and taken to be a sufficient testimony and proof thereof, and of his being a natural born subject of *Great Britain*, to all intents and purposes whatsoever, and as such shall be allowed in every court within the kingdoms of *Great Britain* and *Ireland*, and also in the said colonies in *America*.

Secretary of the colony to send over to the commissioners of trade lists yearly to be registered in England;

V. And be it further enacted by the authority aforesaid, that every secretary of the said respective colonies for the time being, shall and is hereby directed and required at the end of every year, to be computed from the said first day of *June* in the year of our Lord one thousand seven hundred and forty, to transmit and send over to the office of the commissioners for trade and plantations kept in the city of *London* or *Westminster*, a true and perfect list of the names of all and every person and persons who have in that year entitled themselves to the benefit of this act, under the penalty and forfeiture of fifty pounds of lawful money of *Great Britain* for every neglect or omission: all which said lists so transmitted and sent over, shall from year to year be duly and regularly entered by the said com-

on penalty of £50.

missioners, in a book or books to be had and kept for that purpose in the said office, for public view and inspection as occasion shall require.

VI. Provided always, and it is hereby further enacted, that no person who shall become a natural born subject of this kingdom by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having or enjoying any office or place of trust within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or of having, accepting or taking any grant from the crown to himself, or to any other in trust for him, of any lands, tenements or hereditaments within the kingdoms of *Great Britain* or *Ireland*; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Proviso.  
Extended to  
the Unitas  
Fratrum by  
20 Geo. 2, c. 44.

20 GEORGE 2, CAP. 44.—*An act to extend the provisions of an act made in the thirteenth year of his present majesty's reign, intituled an act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his majesty's colonies in America, to other foreign protestants who conscientiously scruple the taking of an oath.*—Whereas by an act made in the thirteenth year

13 Geo. 2, c. 7.

of his present majesty's reign, intituled *an act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his majesty's colonies in America*; it was enacted, that from and after the first day of *June* in the year of our Lord one thousand seven hundred and forty, all persons born out of the legiance of his majesty, his heirs or successors, who had inhabited and resided, or should inhabit and reside for the space of seven years, or more, in any of his majesty's colonies in *America*, and should not have been absent out of some of the said colonies for a longer space than two months, at any one time during the said seven years, and should take and subscribe the oaths, and make, repeat and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty king *George* the first, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors*; or being of the people called *Quakers*, should make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act made in the eighth year of the reign of his said late majesty, intituled *an act for granting the people called Quakers, such forms of affirmation and declaration, as may remove the difficulties which many of them lie under*; and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for exempting their majesties' protestant subjects from the penalties of certain laws*, before the chief judge, or other judge of the colony wherein such persons respectively had so inhabited and resided, or should so inhabit and reside, should be deemed, adjudged and taken to be his majesty's natural-born subjects of this kingdom, to all intents, constructions and purposes, as if they, and every one of them, had been or were born within this kingdom: and whereas many of the people of the congregation

1 Geo. 1, c. 13.

8 Geo. 1, c. 6.

1 W. & M.  
st. 1, c. 18.

called the *Moravian* brethren, and other foreign protestants, not *Quakers*, who conscientiously scruple the taking of an oath, are settled in his majesty's colonies in *America*, and demean themselves there as a sober, quiet and industrious people, and many others of the like persuasion are desirous to transport themselves thither; and if the benefit of the said act, made in the thirteenth year of his present majesty's reign, were extended to them, they who are now there would thereby be encouraged to continue their residence in his majesty's colonies, and others would resort thither in greater numbers, whereby the said colonies would be improved, their strength increased, and their trade extended; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fifth day of *December* one thousand seven hundred and forty-seven, all foreign protestants, who conscientiously scruple the taking of an oath, and who are born out of the legiance of his majesty, his heirs or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years or more, in any of his majesty's colonies in *America*, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, and shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by the said recited act, made in the eighth year of the reign of his late majesty king *George* the first, and also make and subscribe the profession of his christian belief, appointed and prescribed by the said recited act, made in the first year of the reign of their late majesties king *William* and queen *Mary*, before the chief judge or other judge of the colony wherein such persons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his majesty's natural born subjects of this kingdom, to all intents, constructions and purposes, as if they and every of them had been or were born within this kingdom; which said affirmation and subscription of the said declaration, the said chief or other judge of every of the said respective colonies, is hereby enabled and empowered to administer and take; and the taking of every such affirmation, and the making and subscribing of every such declaration, shall be in such manner and place, and at such times and hours, and such entries made thereof, and for the same fees, and under the same penalties, as in the said recited act of the thirteenth year of his majesty's reign are mentioned; and lists of the persons who shall take the benefit of this act, shall be transmitted to the commissioners of trade and plantations, in like manner, and under the same penalties, as lists of the persons taking the benefit of the said act are thereby directed to be transmitted.

Foreign protestants residents in America seven years, who scruple an oath, upon making and subscribing the affirmation of fidelity and declaration;

to be deemed natural born subjects.

Lists of persons taking the benefit to be transmitted to the commissioners of trade.

Persons to qualify themselves by taking the sacrament.

II. Provided always, and be it enacted by the authority aforesaid, that no person shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper, in some protestant or reformed congregation, within some of the said colonies in *America*, within three months next before his taking

such affirmation, and making and subscribing such declaration, and shall at the time of his taking such affirmation, and making and subscribing such declaration, produce a certificate, signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the secretary's office of the colony wherein such person shall so inhabit and reside, as also in the court where the said affirmation shall be so taken as aforesaid, without any fee or reward.

Certificate and entry thereof to be made.

III. And be it further enacted by the authority aforesaid, that the provisions contained in the said act, made in the thirteenth year of his present majesty's reign, with regard to certificates of residence, and of having made and subscribed the said declaration, and taken the said affirmation, and as to such certificates being made evidence in the courts of *Great Britain* and *Ireland*, and also in the said colonies, and all other the benefits of the said act, shall extend to foreign protestants, who conscientiously scruple the taking of an oath, and who shall be qualified as aforesaid.

Provisions of act 13 Geo. 2, with regard to certificates, &c. extended to such foreign protestants.

IV. Provided always, that the said foreign protestants shall enjoy the privileges of natural born subjects, and all the benefits of this act, and the said act of the thirteenth year of his majesty's reign.

Privileges of natural born subjects, &c.

V. Provided always, and be it hereby further enacted, that no person who shall become a natural born subject of this kingdom, by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having or enjoying any office or place of trust within the kingdoms of *Great Britain* or *Ireland*, either civil or military, or of having, accepting or taking any grant from the crown to himself, or to any other in trust for him, of any lands, tenements or hereditaments, within the kingdoms of *Great Britain* or *Ireland*; any thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Restrictions.

VI. Provided also, and it is hereby further enacted by the authority aforesaid, that nothing in this act, or in the said recited act of the thirteenth year of his majesty's reign contained, shall extend, or be construed to extend to naturalize any person or persons whatsoever, who by virtue of an act made in the fourth year of his majesty's reign (intituled *an act to explain a clause in an act made in the seventh year of the reign of her late majesty queen Anne, for naturalizing foreign protestants, which relates to the children of natural born subjects of the crown of England, or of Great Britain*) are declared and enacted not to be entitled to the benefit of the said act of the seventh year of her said late majesty's reign, but that all such persons shall be and remain in the same state, plight and condition, to all intents, constructions and purposes whatsoever, as they would have been in, if the said recited act of the thirteenth year of his majesty's reign, or this act, had never been made; any thing in this act, or in the said recited act of the thirteenth year of his majesty's reign contained to the contrary in anywise notwithstanding.

Persons excluded from this or 13 Geo. 2.

4 Geo. 2, c. 21.

22 GEORGE 2, CAP. 45, SECS. 8, 9 & 12.—*An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants, as shall serve for the*

*time therein mentioned, on board such ships as shall be fitted out for the said fishery.*

Foreign protestants serving three years on board English ships employed in the whale fishery, and qualifying themselves, to be deemed natural born subjects.

VIII. Be it further enacted by the authority aforesaid, for the encouragement of such foreign protestants as shall be willing to serve on board the ships which shall be fitted out by his majesty's subjects to be employed in the said fishery, that every person born out of the legiance of his majesty, his heirs and successors, being a protestant, who shall serve during the space of three years, on board any ship which shall be so fitted out, as is directed by the said act of the sixth year of his present majesty's reign hereinbefore mentioned, or by this act, and which shall be employed in such fishery as aforesaid, and which person shall take and subscribe the oaths, and make, repeat and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty king *George the first*, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales*; which said oaths shall be taken and subscribed, and declaration made, repeated and subscribed in the courts of chancery, king's bench, common pleas, or exchequer in term time in *England*, or in any of them, in open court, or before the lords of the council and session, or lords justiciary, or barons of the exchequer in *Scotland*, or at some general quarter sessions of the peace, to be held for the county where such person does or shall inhabit, reside or settle, between the hours of nine and twelve in the forenoon, the taking and subscribing of which oaths, and the making and repeating, and subscribing such declaration, shall be entered on record in the same courts, for the doing whereof, only one shilling shall be paid; every such person and persons shall be deemed, adjudged and taken to be his majesty's natural born subject and subjects of this kingdom, to all intents, constructions and purposes, as if he and they had been, and were born in this kingdom.

Persons that shall be naturalized by this act, to take the sacrament in some protestant church.

IX. Provided always, and be it enacted by the authority aforesaid, that no person shall be naturalized by virtue of this act, unless such person shall have received the sacrament of the Lord's supper in some protestant or reformed congregation in his majesty's dominions, within three months next before his taking such oaths, and making and subscribing such declaration, and shall, at the time of his taking such oaths, and making and subscribing such declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the court where such oaths shall be taken, without any fee or reward, and shall also produce a certificate at the same time, under the hands of the owner and master of the ship or vessel in which he or they shall have so served, of his or their integrity and good behaviour during the whole time of such service.

Persons naturalized, going out of his majesty's dominions for more than one year, to lose the benefit.

XII. Provided always, and be it enacted by the authority aforesaid, that if any person so naturalized by virtue of this act, shall go out of his majesty's dominions in *Great Britain or Ireland*, or any of his majesty's plantations in *America*, for more than the space of twelve months at any one time, such person shall lose the benefit of this act, to all intents and purposes whatsoever.

29 GEORGE 2, CAP. 5.—*An act to enable his majesty to grant commissions to a certain number of foreign protestants who have served abroad as officers or engineers, to act and rank as officers or engineers, in America only, under certain restrictions and qualifications.*—Whereas by an act made in the thirteenth year of his present majesty, intituled *an act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his majesty's colonies in America*; all persons born out of the legiance of his majesty, his heirs or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years, or more, in any of his majesty's colonies in *America*, or shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, are, upon the conditions prescribed by the said act, naturalized, and made partakers of all the benefits and privileges which the natural born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and whereas many foreigners, being protestants, have been induced by the encouragement offered to them by the said act, to reside and settle in some of the said colonies (and particularly in the provinces of *Maryland* and *Pennsylvania*) the natural born subjects of which last mentioned province do in great part consist of the people called *Quakers*, whose backwardness in their own defence exposes themselves, and that part of *America*, to imminent danger: and whereas, for the better defence of the said colonies, it hath been proposed to raise a regiment there, consisting of four battalions of one thousand men each, and to enlist as soldiers in the said regiment any of the said foreign inhabitants of the said colonies, who, together with the natives, shall voluntarily enter themselves in his majesty's service as soldiers; which foreigners cannot so well be raised or trained, without the assistance of some officers who are acquainted with their manners and language: and whereas it is expedient in the present juncture of affairs, to facilitate the speedy raising of such regiment, and to enable a certain number of foreign protestants who have served abroad as officers, or engineers, and thereby acquired experience and knowledge, to serve and receive pay as officers in the said regiment, or as engineers in *America*; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all such foreign protestants who shall receive commissions from his majesty, his heirs or successors, to be officers in the said regiment, or to be engineers in *America* (which commissions it shall and may be lawful for his majesty, his heirs and successors to grant) and shall, in some of his majesty's colonies in *America*, take and subscribe the oaths, and make, repeat, and subscribe the declaration, appointed by an act made in the first year of the reign of his late majesty king *George* the first, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants*; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors; and shall at the time of the taking and subscribing of the said oaths, and making, repeating,

Foreign protestants, who have served abroad as officers and engineers, receiving the king's commissions, taking the oaths,

and producing certificates of their



having received the sacrament in some protestant church, to serve in America.

Number of officers not to exceed fifty; nor engineers twenty. Colonel to be a natural born subject.

To serve in America only; and when reduced to have half-pay. See further c. 35, and 2 Geo. 3, c. 25.

Preamble, reciting acts 13 Geo. 3, c. 7,

and 29 Geo. 3, c. 5.

and subscribing the said declaration, produce certificates signed in manner directed by the said act of the thirteenth year of his present majesty, of their having received the sacrament in some protestant and reformed congregation within the kingdom of *Great Britain*, or within some of the said colonies in *America*, within six months before that time, shall and may be enabled to serve and receive pay as officers in the said regiment, or as engineers in *America*.

II. Provided nevertheless, that the number of such officers in the said regiment shall not in the whole, at any time, exceed fifty; nor the number of engineers in the whole, at any time, exceed twenty.

III. Provided also, that the colonel of the said regiment shall be a natural born subject, and not any person naturalized or made a denizen.

IV. Provided also, that no such foreign officer shall be enabled by this act to serve as an officer or engineer in any place, except *America* only; but every such foreign officer, when he shall be reduced, shall be capable of receiving half-pay, according to the rank in which he shall then serve.

2 GEORGE 3, CAP. 25.—*An act for naturalizing such foreign protestants as have served, or shall serve for the time therein mentioned, as officers or soldiers in his majesty's royal American regiment, or as engineers in America.*—Whereas by an act made in the thirteenth year of the reign of his late majesty king *George* the second, intitled *an act for naturalizing such foreign protestants, and others therein mentioned, as are settled or shall settle, in any of his majesty's colonies in America*; all persons born out of the legiance of his majesty, his heirs, or successors, who shall have inhabited and resided, or shall inhabit or reside, for the space of seven years, or more, in any of his majesty's colonies in *America*, or shall not have been absent out of the said colonies, for a longer space than two months at any one time during the said seven years, are, upon the conditions prescribed by the said act, naturalized and made partakers of all the benefits and privileges which the natural born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and whereas commissions have been granted to a certain number of foreign protestants in *America*, in pursuance of a power given by a subsequent act of the twenty-ninth year of the reign of his late majesty king *George* the second, intitled *an act to enable his majesty to grant commissions to a certain number of foreign protestants, who have served abroad as officers or engineers, to act and rank as officers or engineers in America only, under certain restrictions and qualifications*; which said officers have been very useful to his majesty's service, by the raising of a great number of men, and training them to discipline as soldiers: and whereas several of the said officers, since the passing of the above recited acts, have purchased estates in *America*, by which, as well as by their faithful services, they have given the strongest assurances of their attachment and fidelity to his majesty's government: and whereas it is just to reward the past services of the said officers and soldiers, and to give encouragement for their future good conduct; and it is likewise expedient to add inducements to such foreign protestants as have settled, or may hereafter settle, in *America*, to engage in his

majesty's service; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all such foreign protestants, as well officers as soldiers, who have served, or shall hereafter serve, in the royal *American* regiment, or as engineers in *America*, for the space of two years, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his majesty king *George* the first, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors*; and shall, at the time of subscribing the said oaths, and making, repeating, and subscribing the said declaration, produce certificates, signed in manner directed by the above recited act of the thirteenth of his late majesty, of their having received the sacrament in some protestant and reformed congregation within the kingdom of *Great Britain*, or within some of the said colonies in *America*, within six months before that time, shall be deemed, adjudged, and taken to be, his majesty's natural born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every of them, had been or were born within this kingdom; and that no estates, of what nature or kind soever, purchased by them or any of them, in any of his majesty's colonies in *America*, since the passing of the above recited act of the twenty-ninth year of the reign of his said late majesty, shall be liable to seizure into the hands of his majesty, his heirs, or successors, or their titles thereto be otherwise impeached by reason of their having been aliens at the time of their making the said purchases; the above recited acts, or any other statute, law, or thing whatsoever to the contrary notwithstanding.

Foreign protestants serving in the royal *American* regiment, or as engineers in *America*, for the space of two years, and qualifying themselves as the act 1 Geo. 1, directs,

and producing certificates of their having received the sacrament in some protestant church, to be deemed natural born subjects;

and all purchases made by them since the passing act 29 Geo. 3, declared to be valid.

II. Provided always, and be it enacted by the authority aforesaid, that nothing in this act contained shall extend, or be construed to extend, to naturalize any person or persons whatsoever, who, by virtue of an act made in the fourth year of the reign of his late majesty king *George* the first,\* (intituled *an act to explain a clause in an act made in the seventh year of the reign of her late majesty queen Anne, for naturalizing foreign protestants, which relates to the children of natural born subjects of the crown of England, or of Great Britain*) are declared and enacted not to be entitled to the benefit of the said act of the seventh year of her said majesty's reign; but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in if this act had never been made; any thing herein contained to the contrary in anywise notwithstanding.

None are to be deemed naturalized by this act, who, by act 4 Geo. 2, c. 21, are declared not to be entitled to the benefit of the act of 7 Anne, c. 5. \* Read second.

III. Provided also, and be it further enacted, that no person who shall become a natural born subject of this kingdom by virtue of this act, shall be thereby enabled to be of the privy council, or a member of either house of parliament, or to be capable of taking, having, or enjoying, any office or place of trust within the kingdoms of *Great Britain* or *Ireland*, either civil or military; or of having, accepting, or taking any grant from the crown to himself, or to any

Persons naturalized by this act, not thereby capable of being privy counsellors, or members of either house of parliament,

or of holding  
any offices of  
trust, in  
Great Britain  
or Ireland.

other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms aforesaid; any thing herein contained to the contrary thereof in anywise notwithstanding.

Preamble.

13 GEORGE 3, CAP. 21.—*An act to extend the provisions of an act, made in the fourth year of the reign of his late majesty king George the second, intituled an act to explain a clause in an act made in the seventh year of the reign of her late majesty queen Anne, for naturalizing foreign protestants, which relates to the children of the natural born subjects of the crown of England, or of Great Britain, to the children of such children.*—Whereas divers natural born subjects of *Great Britain*, who profess and exercise the protestant religion through various lawful causes, especially for the better carrying on of commerce, have been, and are, obliged to reside in several trading cities and other foreign places, where they have contracted marriages, and brought up families: and whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired; and therefore that not only the children of such natural born subjects, but their children also, should continue under the allegiance of his majesty, and be entitled to come into this kingdom, and to bring hither and realize, or otherwise employ, their capital; but no provision hath hitherto been made to extend further than to the children born out of the legiance of his majesty, whose fathers were natural born subjects of the crown of *England*, or of *Great Britain*: may it therefore please your most excellent majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all persons born, or who hereafter shall be born, out of the legiance of the crown of *England*, or of *Great Britain*, whose fathers were or shall be, by virtue of a statute made in the fourth year of king *George* the second, to explain a clause in an act made in the seventh year of the reign of her majesty queen *Anne*, for naturalizing foreign protestants, which relates to the natural born subjects of the crown of *England*, or of *Great Britain*, entitled to all the rights and privileges of natural born subjects of the crown of *England*, or of *Great Britain*, shall and may be adjudged and taken to be, and are hereby declared and enacted to be, natural born subjects of the crown of *Great Britain*, to all intents, constructions, and purposes whatsoever, as if he and they had been and were born in this kingdom: any thing contained in an act of the twelfth year of the reign of king *William* the third, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, to the contrary in anywise notwithstanding.

Provisos,  
&c. of 4 Geo.  
2, not re-  
pealed by  
this act.

II. Provided always, and be it enacted and declared by the authority aforesaid, that nothing in this present act contained shall extend, or be construed, adjudged, or taken to extend, to make any persons born, or to be born, out of the legiance of the crown of *England*, or of the crown of *Great Britain*, to be natural born subjects of the crown of *Great Britain*, contrary to all or any of the provisos, exceptions, limitations, and restrictions, contained in the

aforesaid act, made in the fourth year of the reign of his said late majesty, or to repeal, abridge, or alter the same; but all such clauses shall be, and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been if this present act had never been made.

III. Provided also, and be it further enacted by the authority aforesaid, that nothing in this present act contained shall extend, or be construed, adjudged, or taken to repeal, abridge, or any ways alter, an act made in the fifth year of the reign of his late majesty king George the first, intituled *an act to prevent the inconveniencies arising from seducing artificers in the manufactures of Great Britain, into foreign parts*; nor to repeal, abridge, or any ways alter, any law, statute, custom or usage whatsoever, now in force, concerning aliens, duties, customs, and impositions, nor to cause any privilege, exemption, or abatement relating thereto, in favor of any person naturalized by virtue of this act, unless such person shall come into this realm, and there inhabit and reside, and shall take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year of the reign of his late majesty king George the first, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors*, in such manner and form, and at such place and places as are in and by the said act directed, and also receive the sacrament of the Lord's supper, according to the usage of the church of *England*, or in some protestant or reformed congregation within this kingdom of *Great Britain*, within three months before their taking the oaths in the said act mentioned; and shall, at the time and place of taking and subscribing the said oaths, and of the making, repeating, and subscribing the said declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made of record in the court and courts respectively wherein such oaths shall have been taken and subscribed, without any fee or reward.

Not to abridge or alter the act 5 Geo. 1.

IV. Provided always, and be it further enacted by the authority aforesaid, that no person shall be enabled hereby to defeat any estate, right, or interest, which upon the last day of this session shall be lawfully vested in any other person, or to claim or demand any estate or interest, which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue.

Not to defeat any right vested in another person on the last day of this session.

13 GEORGE 3, CAP. 25.—*An act to explain two acts of parliament, one of the thirteenth year of the reign of his late majesty, for naturalizing such foreign protestants, and others, as are settled, or shall settle, in any of his majesty's colonies in America; and the other of the second year of the reign of his present majesty, for naturalizing such foreign protestants as have served, or shall serve, as officers or soldiers in his majesty's royal American regiment, or as engineers, in America.*—

Whereas by an act, made in the thirteenth year of the reign of his late majesty king George the second, (intituled *an act for naturalizing such foreign protestants, and others therein mentioned, as are settled,*

Preamble. Act 13 Geo. 2.

*or shall settle, in any of his majesty's colonies in America*), all persons born out of the allegiance of his majesty, his heirs or successors, who shall have inhabited and resided, or shall inhabit or reside, for the space of seven years or more, in any of his majesty's colonies in *America*, or shall not have been absent out of the said colonies for a longer space than two months at any one time, during the said seven years, are, upon the conditions prescribed by the said act, naturalized and made partakers of all the benefits and privileges which the natural born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and

Act 2 Geo. 3. whereas by an act, made in the second year of the reign of his present majesty, (intituled *an act for naturalizing such foreign protestants as have served, or shall serve, for the time therein mentioned, as officers or soldiers in his majesty's royal American regiment, or as engineers in America*), it is enacted, that all such foreign protestants, as well officers as soldiers, who have served, or shall hereafter serve, in the royal *American* regiment, or as engineers in *America*, for the space of two years, shall, upon the terms required by the said recited act, be deemed, adjudged, and taken to be his majesty's natural born subjects of this kingdom, to all intents, constructions, and purposes, as if they and every of them had been, or were, born within this kingdom; and in both which acts respectively are contained provisos, that no person, who shall become a natural born subject of this kingdom by virtue of the said acts, shall be thereby enabled to be of the privy council, or a member of either house of parliament, or to be capable of taking, having, or enjoying any office or place of trust within the kingdom of *Great Britain* or *Ireland*, either civil or military, or of having, accepting, or taking any grant from the crown, to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms aforesaid: and whereas doubts may nevertheless arise, whether such persons as have been, or may be naturalized under or by virtue of the said recited acts, are capable of taking, having, or enjoying any office or place of trust, either civil or military, or of taking any grant of lands, tenements, and hereditaments, from the crown whatsoever; be it enacted and declared by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons that have become, or shall become his majesty's natural born subjects, by force or virtue of the said acts, or either of them, are and shall be deemed to be capable of taking and holding any office or place of trust, either civil or military, and of taking and holding any grant of lands, tenements, and hereditaments, from the crown to himself or themselves, or to any other or others in trust for him or them, as well under the great seal of *Great Britain*, as otherwise, (other than and except offices and places, and grants of lands, tenements, and hereditaments, within the kingdoms of *Great Britain* and *Ireland*): any law or act of parliament to the contrary notwithstanding.

All persons who have, or shall become his majesty's natural born subjects, by virtue of the said acts, are hereby deemed capable of taking and holding places of trust, either civil or military, &c.

## PROTESTANT SUCCESSION TO THE CROWN.

1 WILLIAM & MARY, SESS. 1, CAP. 6.—*An act for establishing the coronation oath.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 425.

1 WILLIAM & MARY, SESS. 2, CAP. 2.—*An act declaring the rights and liberties of the subject, and settling the succession of the crown.*—See Title—"BILL OF RIGHTS," vol. i. p. 281.

7 & 8 WILLIAM 3, CAP. 27.—*An act for the better security of his majesty's royal person and government.*—Whereas the welfare and safety of this kingdom, and the reformed religion, do, next under God, entirely depend upon the preservation of your majesty's royal person and government, which by the merciful providence of God of late have been delivered from the bloody and barbarous attempts of traitors and other your majesty's enemies, who, there is just reason to believe, have in great measure been encouraged to undertake and prosecute such their wicked designs, partly by your majesty's great and undeserved clemency towards them, and partly by the want of a sufficient provision in the law, for the securing offices and places of trust to such as are well affected to your majesty's government, and for the repressing and punishing such as are known to be disaffected to the same: for remedy whereof may it please your majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *May* one thousand six hundred ninety-six, all and every person and persons who shall refuse to take the oaths mentioned and appointed to be taken in an act of parliament made in the first year of the reign of his present majesty and the late queen of blessed memory, intituled *an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, or either of them, when tendered to him or them by any persons lawfully authorized to administer or tender the same, or shall refuse or neglect to appear when lawfully summoned, in order to have the said oaths tendered to him or them, shall, until he or they have duly taken the said oaths, be liable to incur, forfeit, pay and suffer all and every the penalties, forfeitures, sums of money, disabilities and incapacities, which by the laws and statutes of this realm, now in force, or any of them, are inflicted upon popish recusants duly convict of recusancy: and for the better and more orderly levying and answering the said penalties and forfeitures to his majesty, his heirs and successors, the persons so tendering the said oaths shall, upon every such refusal or default of appearance as aforesaid, record and enter in parchment the christian and surnames, and the place of abode of the person or persons so refusing, or not appearing as aforesaid, to take the said oaths, or either of them, together with the time of such tender and refusal, or default of appearance, and shall deliver

Persons refusing to take the oaths by 1 W. & M. sess. 1. c. 8, liable to the penalties inflicted on popish recusants.

Names of persons refusing to be entered on record.

Record to be certified to the justices of assize.

Exchequer to issue process against lands and goods.

and certify the said record or entry to the justices of assize, justices of *Oyer and Terminer*, or gaol delivery, at their next session within the same county, who shall forthwith estreat and certify the same into his majesty's court of exchequer to be there entered of record, to the end that the said court of exchequer may thereupon award and issue such process against the lands and goods of the said person or persons mentioned in such estreat or certificate, as may by the laws and statutes of this realm be awarded and issued against the lands or goods of a popish recusant convict.

Persons deny his majesty's right, or affirming that of others, on conviction to incur the penalty of premunire 16 *Richard* 2, c. 5. 1 *William & Mary*, sess. 2, c. 2.

III. And whereas for the better preservation of his majesty's royal person and government against the aforesaid wicked and traitorous designs, upon a full discovery thereof, great numbers of his majesty's good subjects have entered into and subscribed an association in the words following, viz.

Form of the association. By 11 & 12 W. 3, c. 17, and 1 Anne, stat. 1, c. 22, s. 3, so much of this act as relates to this association is repealed.

**WHEREAS** there has been a horrid and detestable conspiracy, formed and carried on by papists, and other wicked and traitorous persons, for assassinating his majesty's royal person, in order to encourage an invasion from *France*, to subvert our religion, laws and liberty: we whose names are hereunto subscribed, do heartily, sincerely and solemnly profess, testify and declare, that his present majesty king *William* is rightful and lawful king of these realms. And we do mutually promise and engage to stand by and assist each other to the utmost of our power, in the support and defence of his majesty's most sacred person and government against the late king *James*, and all his adherents. And in case his majesty come to any violent or untimely death (which God forbid) we do hereby further freely and unanimously oblige ourselves to unite, associate and stand by each other, in revenging the same upon his enemies and their adherents, and in supporting and defending the succession of the crown, according to an act made in the first year of the reign of king *William* and queen *Mary*, intituled an act declaring the rights and liberties of the subject, and settling the succession of the crown.

1 W. & M. sess. 2, c. 2.

Association to remain good and lawful. Commissioners of accounts and officers under the king, &c. within thirty miles of *London*, shall in *Easter* term subscribe the association, or before first *August*, at the quarter sessions. Persons admitted into office, to subscribe the said association, and the declaration in 25 *Car.* 2, c. 2. Persons neglecting or refusing to subscribe the association, to be incapable of their office. Penalty on persons executing office after neglect or refusal. Subscriptions to be registered. Officers forfeiting by neglect, may have a new grant on subscribing. Information to be given in three days, and prosecution in three months; no conviction but on oath of two witnesses.

Quakers may subscribe the declaration of fidelity of 1 W. & M. sess. 1, c. 18.

XII. Provided always, and be it enacted by the authority aforesaid, that such of the dissenters from the church of *England*, called *Quakers*, who scruple the taking any oath, as shall make and subscribe the declaration of fidelity, mentioned in an act made in the first year of the reign of his present majesty and the late queen

*Mary*, intituled *an act for exempting their majesties' protestant subjects dissenting from the church of England, from the penalties of certain laws*, and shall produce such witnesses and certificates as are by the said act required, proving themselves to be of the said people called *Quakers*, and shall also own king *William* to be rightful and lawful king of these realms, shall and are hereby exempted from the penalties and forfeitures provided by this act for such as shall refuse to take the oaths to his majesty.

Servants to the prince and princess to subscribe. Persons on board the fleet, or in the service beyond sea, may subscribe in three months after return.

XV. Provided always, and be it enacted by the authority aforesaid, that all or any the pains, penalties or disabilities, to be incurred by any person or persons, as popish recusants convict, by virtue of this act, for not taking the oaths aforesaid, may be pardoned, remitted or discharged by the king's majesty, his heirs or successors, under the privy seal; any thing in this act to the contrary thereof in anywise notwithstanding.

King, under his privy seal may pardon penalties for not taking the oaths.

After this parliament members to subscribe the association, or be disabled; and a writ to issue for a new election. Persons returning from *France*, during the war, without licence, to surrender themselves, and give security to depart in twenty days, &c. 1 *William & Mary*, sess. 1, c. 8.

3 & 4 W. & M. c. 13.

XIX. And be it further enacted by the authority aforesaid, that no person who shall refuse to take the oaths directed by an act made in the first year of the reign of his present majesty, and the late queen *Mary*, intituled *an act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, or being *Quakers*, shall refuse to subscribe the declaration of fidelity, directed by one other act of parliament made in the said first year of the reign of his present majesty and the late queen, intituled *an act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws* (which oaths and subscription respectively the sheriff or chief officer taking the poll at any election of members to serve in parliament, at the request of any one of the candidates, are hereby empowered and required to administer) shall be admitted to give any vote for the election of any knight of the shire, citizen, Burgess, or baron of the cinque ports, to serve in parliament.

Persons refusing to take the oaths by 1 W. & M. sess. 1, c. 18, or, if *Quakers*, to subscribe the declaration of fidelity, to have no vote in election of members of parliament.

XX. And be it further enacted by the authority aforesaid, that it shall and may be lawful to detain in custody, without bail or mainprize, any person who is or shall, before the last day of *Trinity term* one thousand six hundred ninety-six, be committed upon information upon oath against him for high treason, until the first day of *December* one thousand six hundred ninety-six, unless such person should be sooner bailed by order of council, signed by six of his majesty's privy council; any law or statute to the contrary notwithstanding.

See 16 Geo. 2, c. 30, providing that persons in office take the test in six months.

Persons committed for high treason, to be detained till 1 Dec. 1696, unless bailed by order of council.

XXI. And for the better securing of the succession of the crown in such manner, as in and by an act made in the first year of the reign of king *William* and queen *Mary*, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the*

1 W. & M. sess. 2, c. 2. Commissions to be in force six months after the



king's death,  
unless super-  
seded by the  
successor.  
Enforced by  
1 Anne, st. 1,  
c. 8.

*crown*, is provided, limited and appointed: be it further enacted by the authority aforesaid, that no commission, either civil or military, shall cease, determine or be void, by reason of the death or demise of his present majesty, or of any of his heirs or successors, kings or queens of this realm, but that every such commission shall be, continue and remain in full force and virtue, for the space of six months next after any such death or demise, unless in the mean time superseded, determined or made void by the next and immediate successor, to whom the imperial crown of this realm, according to the act of settlement hereinbefore mentioned, is limited and appointed to go, remain or descend.

This act not to make void any office of inheritance, &c. so as a deputy be appointed, who will subscribe the association, and shall be approved of by the king.

12 & 13 WILLIAM 3, CAP. 2.—*An act for the further limitation of the crown, and better securing the rights and liberties of the subject.*—See Title—"ACT OF SETTLEMENT," vol. i. p. 93.

13 WILLIAM 3, CAP. 6.—*An act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.*—Whereas by an act made in the first year of the reign of your most excellent majesty and your late royal consort queen *Mary*, of ever blessed memory, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*, it was enacted, established and declared, that the crown and regal government of the kingdoms of *England, France, and Ireland*, and the dominions thereunto belonging, should be and continue to your said majesties, and the survivor of you, during your joint lives, and the life of the survivor of your majesties; and that after the decease of your majesty and of the said late queen *Mary*, the said crown and regal government should be and remain to the heirs of the body of the said late queen; and for default of such issue, to her royal highness the princess *Anne of Denmark*, and the heirs of her body; and for default of such issue, to the heirs of the body of your majesty: and whereas by one other

1 W. & M.  
c. 2, s. 8.

12 W. 3, c. 2.

act made in the twelfth year of your majesty's reign, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, it was enacted, that the crown and regal government of the said kingdoms, and the dominions thereunto belonging, with the royal state and dignity of the said realms, and all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities, to the same belonging and appertaining, after the decease of your majesty, and of the said princess *Anne of Denmark*, and in default of issue of the said princess *Anne of Denmark*, and of your majesty respectively, should be, remain, and continue to the most excellent princess *Sophia*, electress and duchess dowager of *Hanover*, daughter of the most excellent princess *Elizabeth*, late queen of *Bohemia*, daughter of our late sovereign, lord king *James* the first, and the heirs of the body of the said princess *Sophia*, being protestants: and whereas the *French* king, in hopes of disturbing the peace and repose of your majesty and your kingdoms, and creating divisions therein, hath, since the making the said act, caused the

pretended prince of *Wales* to be proclaimed in your majesty's said kingdom of *France*, by the name, style and title of *James* the third, king of *England, Scotland and Ireland*, whereupon the said pretended prince hath assumed the said style and title, in open defiance of the provisions made for the establishment of the title and succession of the crown, by the said several acts of parliament; on which said acts the safety of your majesty's royal person and government, the continuance of the monarchy of *England*, the preservation of the protestant religion, the maintenance of the church of *England* as by law established, the security of the ancient and undoubted rights and liberties, and the future peace and tranquillity of this kingdom, do (under God) entirely depend: to the intent therefore that the said acts may be for ever inviolably preserved, and that all future questions and divisions by reason of any pretended titles to the crown may be prevented; we your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do humbly beseech your most excellent majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, that all and every person and persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his majesty, or shall have command or place of trust from or under his majesty, or from any of his majesty's predecessors, or by his or their authority, or by authority derived from him or them, within the realm of *England*, or in his dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or shall be of the household or in the service or employment of his majesty, or of his royal highness prince *George*, or her royal highness the princess *Anne* of *Denmark*, and all ecclesiastical persons, all members of colleges and halls in either university, that are or shall be of the foundation (being of the age of eighteen years) and all persons teaching pupils in either university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, and every person that shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such in any court or courts whatsoever, who shall inhabit, reside, or be within the cities of *London* or *Westminster*, or within thirty miles distant from the same, on the first day of *Easter* term, which shall be in the year of our Lord one thousand seven hundred and two, or at any time during the said term, shall personally appear before the end of the said term, or of *Trinity* term next following, in his majesty's high court of chancery, or in his majesty's court of king's bench, common pleas, or exchequer, and there in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the oath hereinafter mentioned; that is to say,

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare, in my conscience before God and the world, that our sovereign lord king *William* is lawful and rightful king of this realm,

All persons having any office, &c. under the king.

in *England*, &c.

or in the service of prince *George* and princess *Anne*, and all ecclesiastical persons, &c. practisers of the law, &c. residing in *London*, &c. shall, in one of the courts of *Westminster*, in *Easter* term, &c.

take the following oath, viz.

and of all other his majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales*, during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king of *England*, by the name of *James* the third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, that I will bear faith and true allegiance to his majesty king *William*, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my best endeavour to disclose and make known to his majesty and his successors all treasons and traitorous conspiracies, which I shall know to be against him or any of them. And I do faithfully promise, to the the utmost of my power, to support, maintain and defend the limitation and succession of the crown, against him the said *James*, and all other persons whatsoever, as the same is and stands limited (by an act intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*) to his majesty during his majesty's life, and after his majesty's decease, to the princess *Anne* of *Denmark*, and the heirs of her body, being protestants; and for default of such issue, to the heirs of the body of his majesty, being protestants: and as the same by one other act intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited after the decease of his majesty, and the princess *Anne* of *Denmark*, and for default of issue of the said princess, and of his majesty respectively, to the princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly, upon the true faith of a christian.

*So help me God.*

and subscribe the same. Persons not having taken the oaths at Westminster to take the same at the quarter sessions for the county where resident, &c. and subscribe their names.

II. Unto which oath so taken, every such person so taking the same shall subscribe or make his name or mark, and during the time of taking the said oath, all pleas and proceedings in the said respective courts shall cease, and all and every the said respective persons and officers, not having taken the said oath, and subscribed the same as aforesaid, shall on or before the first day of *August* in the year of our Lord one thousand seven hundred and two, at the general or quarter sessions for that county, riding, liberty, city, borough, town corporate, or place where he or they shall be, inhabit or reside, on the twentieth day of *May* in the year of our Lord one thousand seven hundred and two, take the said oath in open court, between the said hours of nine and twelve of clock in the forenoon, and subscribe his name, or make his mark under the same as aforesaid.

III. And be it further enacted by the authority aforesaid, that all and every person and persons that shall be admitted, entered, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent, or grant from his majesty, or shall have command or place of trust from or under his majesty, or by his authority, or by authority derived from him, within this realm of *England*, dominion of *Wales*, town of *Berwick-upon-Tweed*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service or employment in his majesty's household or family, or of his royal highness prince *George*, or of her royal highness the princess *Anne* of *Denmark*, after the said first day of *Easter* term aforesaid, shall take the said oath at the same time that he or they shall make and subscribe the declaration mentioned in a statute made in the five and twentieth year of the reign of his late majesty king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, and all ecclesiastical persons, all members of colleges and halls in either university, that are or shall be of the foundation, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching pupils in either university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such, in any court or courts whatsoever, who shall, at any time after the first day of *Easter* term aforesaid, be admitted into, or enter upon any of the before mentioned preferments, benefices, offices, or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, shall, within three months after he or they shall be admitted into, or enter upon any such preferment, benefice, office, or place, or come into such capacity, or take upon him or them such practice, employment or business as aforesaid, take and subscribe the said oath in one of the said courts at *Westminster*, or at the general quarter sessions of the county, city or place, where he or they shall reside.

Persons admitted into offices civil or military shall take the said oath,

and all ecclesiastical persons, &c.

Practisers of the law, &c.

IV. Provided that nothing in this act contained shall extend to any person now beyond the seas, who by virtue of this act ought to take the said oath, so as such person do, within three months after his return into *England*, take the said oath, and subscribe thereunto, according to the appointment of this act.

Person beyond sea to take the oath in three months after return.

V. And be it further enacted by the authority aforesaid, that all and every the person and persons aforesaid, that do or shall neglect or refuse to take the said oath, and subscribe thereto as aforesaid, in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable and disabled in law, to all intents and purposes whatsoever, to have, occupy or enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them or any of them; and every such office or place, employment and employments shall be void, and is hereby adjudged void.

Penalty on persons refusing or neglecting to take the said oath;

VI. And be it further enacted, that all and every such person and persons who shall neglect and refuse to take the said oath within

and afterwards executing any office, &c.

the times, and at the places aforesaid, and yet after such neglect or refusal shall by himself or themselves, his or their deputy or trustee, execute any of the said offices or employments, after the said time is expired, wherein he or they ought to have taken the said oath, and being thereof lawfully convicted in or upon any information, presentment or indictment in any of the king's courts at *Westminster*, or at the assizes, every such person or persons shall be disabled from thenceforth to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, or to be in any office within this realm of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie.

Courts of  
Westminster  
to administer  
the oath, &c.

Manner of  
subscribing  
the same.

25 Car. 2, c. 2.

Persons for-  
feiting office  
by neglect,  
&c. may have  
a new grant  
thereof, on  
taking the  
oath.

Persons on  
board the  
fleet, &c. to  
take the oath  
in three  
months after  
return.

No peer or  
member of  
the house of  
commons  
shall vote or  
sit in either  
house, unless  
he take the  
oath, &c.

VII. And be it further enacted, that it shall and may be lawful to and for the respective courts aforesaid to give and administer the oath aforesaid to the person and persons aforesaid; and upon due tender of any person or persons to take the said oath, the said courts are hereby required and enjoined to administer the same; of the taking and subscribing whereof the like register shall be kept, as by the said act made in the five and twentieth year of the reign of king *Charles* the second was directed to be kept, of the subscribing the declaration therein mentioned.

VIII. Provided always, that any person who by any neglect or refusal, according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and have and hold the same again, such person taking the said oath in such a manner as aforesaid, so as such office be not granted to, or actually enjoyed, by some other person at the time of the re-granting thereof.

IX. Provided also, that nothing herein contained shall be construed to extend to any person in his majesty's service on board the fleet, or beyond the seas, or who shall go beyond the seas in his majesty's service before the twentieth day of *May* in the year of our Lord one thousand seven hundred and two, so as such person take the said oath, and subscribe thereunto as aforesaid, according to the appointment of this act, within three months after his return into *England*.

X. And be it further enacted by the authority aforesaid, that from and after the five and twentieth day of *March* in the year of our Lord one thousand seven hundred and two, no person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, shall vote or make his proxy in the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons, after their speaker is chosen, until such peer or member shall from time to time respectively take the oath aforesaid, and subscribe the same in manner following (that is to say) the said oath shall be in this and every succeeding parliament solemnly and publicly made and subscribed,

between the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there, with their speaker in his place; and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting, with their speaker in the chair.

XI. And be it further enacted, that if any person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, in this or any succeeding parliament, shall after the said five and twentieth day of *March* presume to vote, or make his proxy, not having taken the said oath, and subscribed the same as aforesaid, every such peer or member so offending shall from thenceforth be deemed and adjudged a popish recusant convict, to all intents and purposes whatsoever, and shall forfeit and suffer as a popish recusant convict, and shall be disabled to hold or execute any office or place of profit or trust, civil or military, in any of his majesty's realms of *England* or *Ireland*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or in any of his majesty's islands or foreign plantations to the said realms belonging, and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy in the house of peers, or to sue or use any action, bill, plaint or information, in course of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy or deed of gift, and shall forfeit for every wilful offence against this act the sum of five hundred pounds, to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection or wager of law shall lie,

Penalty on peer or member, &c.

XII. Provided always, that neither this act, nor any thing therein contained, shall extend, be judged, or interpreted to take away or make void, any office of inheritance, so as such person or persons having an office of inheritance do or shall substitute and appoint his or their deputy or deputies, according to a proviso in the act made in the five and twentieth year of the reign of king *Charles* the second, (intituled *an act for preventing dangers which may happen from popish recusants*;) and so as such deputy or deputies do take and subscribe the oath in and by this present act required and expressed, and so as such deputy or deputies be from time to time approved of by the king's majesty, under his privy signet.

Act not to vacate any office of inheritance, &c.

25 Car. 2, c. 2.

XIII. And be it further enacted, that it shall and may be lawful to and for any person or persons lawfully authorized to administer or tender the oaths, mentioned and appointed to be taken by an act of parliament made in the first year of the reign of his present majesty and of the late queen, intituled *an act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, to administer and tender the oath hereinbefore appointed to be taken, to any person or persons whatsoever; and if any person or persons to whom the said oath shall be so tendered, shall neglect or refuse

Persons authorized to administer the oath, 1 W. & M. sess. 1, c. 8.

Refusals to  
be recorded.

to take the same, the person and persons tendering the said oath shall certify the refusal thereof to the next quarter sessions of the county, riding, liberty, borough, town corporate or place, in which such refusal shall be made; and the said refusal shall be recorded amongst the rolls of that sessions, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, borough, town corporate or place, into his majesty's court of chancery or king's bench, there to be recorded amongst the rolls of the said courts, in a roll or rolls there to be provided and kept for that purpose only.

Not to extend to high  
or petty constables, &c.

XIV. Provided always, that this act, or any thing therein contained, shall not extend to the office of any high constable, petty constable, tithingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chase, warren, or game, or bailiff of any manor or lands, nor to any like private offices, nor to any person or persons having only any the before mentioned or the like offices.

High treason  
to compass  
or imagine  
the death of  
the princess  
Anne of Denmark, &c.

XV. And be it further enacted by the authority aforesaid, that if any person or persons, at any time after the five and twentieth day of *March* one thousand seven hundred and two, shall compass or imagine the death of her royal highness the princess *Anne of Denmark*, or endeavour to deprive or hinder her from succeeding to the imperial crown of this realm, and the dominions and territories thereunto belonging, after the demise of his majesty (whom God long preserve) and the same maliciously, advisedly, and directly shall attempt, by any overt act or deed, every such offence shall be adjudged high treason, and the offender and offenders therein, their abettors, procurers, and counsellors, and all and every their aiders and comforters, knowing the said offence to be done, being thereof convicted or attainted according to the laws and statutes of this realm, shall be deemed and adjudged traitors, and shall suffer pains of death, and all losses and forfeitures, as in cases of high treason.

7 W. 3, c. 27.

XVI. And whereas by an act made in the seventh year of the reign of his present majesty, intituled *an act for the better security of his majesty's royal person and government*, the persons therein mentioned were obliged to subscribe the association therein contained whereby the persons subscribing the same do, amongst other things, mutually promise and engage to stand by and assist each other to the utmost of their power, in the support and defence of his majesty's most sacred person and government, against the late king *James* and all his adherents: and whereas by the death of the said late king *James* the said clause is become useless; be it therefore enacted by the authority aforesaid, that from and after the said five and twentieth day of *March* there shall be omitted and left out of the said association these words [against the late king *James* and all his adherents] and in the room and place thereof there shall be inserted these words [against all his majesty's enemies whatsoever.]

Words to be  
omitted in  
association;  
others inserted.

1 ANNE, STAT. 1, CAP. 22.—*An act to declare the alterations in the oath appointed to be taken by the act, intituled an act for the further security of his majesty's person, and the succession of the crown in*

the protestant line, and for extinguishing the hopes of the pretended prince of *Wales*, and all other pretenders, and their open and secret abettors, *and for declaring the association to be determined*.—Whereas by the demise of his late majesty king *William* the third, and the accession of her present majesty queen *Anne*, to the imperial crown and dignity of these realms, the form of an oath contained in an act made in the thirteenth year of the reign of his said late majesty, intituled *an act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for the extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*, is now become necessary to be altered; be it therefore declared and enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twentieth day of *April* one thousand seven hundred and two, the oath in the said recited act mentioned, be administered in such manner and form as is hereinafter set down and prescribed (that is to say)

13 W. 3, c. 6.

Oath in the act 13 W. 3, to be administered as here set down, viz.

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare, in my conscience before God and the world, that our sovereign lady queen *Anne*, is lawful and rightful queen of this realm, and of all other her majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales*, during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king of *England*, by the name of *James* the third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, that I will bear faith and true allegiance to her majesty queen *Anne*, and her will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against her person, crown, or dignity. And I will do my best endeavour to disclose and make known to her majesty and her successors all treasons and traitorous conspiracies, which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain and defend the limitation and succession of the crown, against him the said *James*, and all other persons whatsoever, as the same is and stands limited (by an act intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*) to her present majesty and the heirs of her body, being protestants: and as the same by one other act intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited after the decease of her majesty, and for default of issue of her majesty, to the princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental

Altered by 5 Anne, c. 8, article 22, and by 6 Anne, c. 7, s. 20, and c. 21.

1 W. & M. sess. 2, c. 2.

12 & 13 W. 3, c. 2.



evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly, upon the true faith of a christian.

*So help me God.*

Oath to be taken in the form prescribed.

II. And that all and every person and persons, who are enjoined or required to administer, take or subscribe the oath in the said recited act mentioned, shall administer, take and subscribe the same, according to the form herein set down and prescribed; any thing in the said recited act to the contrary thereof in anywise notwithstanding.

7 W. 3, c. 27.

III. And whereas by an act made in the seventh year of the reign of his said late majesty king *William* the third intituled *an act for the better security of his majesty's person and government*, it is recited, that for the better preservation of his said majesty's royal person and government, great numbers of his majesty's good subjects had entered into and subscribed an association in the words contained in the said act, which association is by the same act required to be subscribed in such manner, and by such officers and persons, and under such forfeitures, penalties, incapacities, and disabilities, for the neglect or refusal to subscribe the same, as in the said act is mentioned and contained: and whereas since the death of the late king *James*, and by the demise of his said late majesty king *William* the third, the subscribing the said association is not necessary to be any longer continued, such part thereof as relates to the support and defence of the succession to the crown therein mentioned, being more fully provided for by the said recited oath; be it enacted and declared by the authority aforesaid, that so much of the said recited act of the seventh year of his said late majesty king *William* the third, as relates to the said association therein contained, or the requiring any officers or other persons in the said act mentioned, to subscribe the same, or for the enacting any forfeitures, penalties, incapacities, or disabilities, upon any person for the neglect or refusal to subscribe the same, or that requires any court or courts to tender the said association, or to register the subscription thereof, and all and every the clause or clauses in the said act, or any other subsequent act or acts contained, relating to the said association, be and are hereby declared to be void and of no effect, to all intents and purposes whatsoever.

Association made void.

Peers and members who have taken the oath not obliged to take the same again during this parliament.

IV. Provided always, and be it enacted and declared, that such members of the house of peers, and also such members of the house of commons, who have taken and subscribed the oath in the said first recited act contained, according to the form agreed upon in each house respectively, shall not be obliged again to take or subscribe the oath according to the form declared by this act, during the continuance of this present parliament, for or in respect of their being members of either house respectively, nor in respect of any commission, office or place of trust, fee, salary or wages, which such member did hold and enjoy at the time of the taking and subscribing the said oath.

V. And be it further enacted by the authority aforesaid, that all and every person or persons, who in her majesty's high court of chancery, or in her court commonly called the king's bench, or the

quarter sessions, may or are, or shall be obliged to take the oaths mentioned in an act of parliament, made in the first year of the reign of the late king *William* and queen *Mary*, intituled *an act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and to make and subscribe the declaration mentioned in an act of parliament made in the five and twentieth year of the reign of the late king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, may for ever hereafter, at their elections, take the said oaths, and make and subscribe the said declaration, and deliver the certificates of receiving the sacrament of the Lord's supper, and make proof of the truth thereof, which shall be inquired of and put upon record, according to the said last mentioned act, in her majesty's court of common pleas, or in her court of exchequer at *Westminster*, in such manner, and at such times, as by the said acts, or either of them, they are obliged, or may take the said oaths, and make and subscribe the said declaration, and deliver and prove such certificates, to be inquired of, and put upon record in the said court of chancery, or court of king's bench; and such taking the oaths, making and subscribing the said declaration, and delivering of such certificates, proving the truth thereof, inquiring of, and putting upon record, in the said court of common pleas, and court of exchequer, shall be as effectual to all intents and purposes, as if the same had been taken, made and delivered, inquired of, proved, and put upon record in the said court of chancery, or in the said court of king's bench; and the justices of the said court of common pleas, and barons of the said court of exchequer, are hereby authorized and required respectively to administer the said oaths, and do all other things, as the courts of chancery and king's bench were by the said statutes, or either of them, authorized and required to do, or may do by virtue thereof.

1 W. & M.  
sess. 1. c.

25 Car. 2. c. 2.

Persons may take the oaths in the common pleas or exchequer courts, &c. which shall be as effectual as if taken in the courts of chancery or king's bench, &c.

VI. And it is hereby further enacted by the authority aforesaid, that the names of all persons and officers aforesaid, that do or shall take the oaths aforesaid, in the court of common pleas or court of exchequer, shall be enrolled in the said courts where the same shall be taken respectively, with the day and time of their taking the same, in rolls made and kept only for that intent and purpose, and for no other; the which rolls, as for the court of common pleas, shall be publicly hung up in the office of the chief prothonotary of the said court; and the roll for the exchequer, in the office of the queen's remembrancer of the said court, and there remain during the whole term, every term, for every one to resort to, and to look upon, without fee or reward; and likewise none of the persons aforesaid shall give or pay any fee or reward to any officer or officers belonging to either of the said courts of common pleas or exchequer, above the sum of twelve pence, for his or their entry of his or their taking of the said oaths.

Names of persons taking the oaths to be enrolled, &c.

and not to pay above twelve-pence for taking the same.

VII. And be it further enacted by the authority aforesaid, that all and every the person and persons, who by this act, or the said former act made this present parliament, are to take and subscribe the oath therein or herein appointed to be taken, within three months after he or they shall be admitted into or enter upon any preferments, benefices, offices, or places, or come into any capacity,

In what time and where persons are to take the oath.

Penalties  
on neglect or  
refusal.

or take upon him or them any such practice, employment, or business, in the said former act mentioned, may in the next term, or at the next quarter sessions of the county, city, or place where he or they shall reside, after he or they shall be admitted into, or enter upon any such preferment, benefice, office, or place, or come into any such capacity, or take upon him or them such practice, employment, or business as aforesaid (though it be after the expiration of the said three months) take and subscribe the said oath, in any of the said four courts of *Westminster*, or quarter sessions, which shall be as good and effectual to all intents and purposes, as if taken and subscribed within the said three months: but nevertheless, every such person that shall neglect to take and subscribe the said oath in the next term, or next quarter sessions as aforesaid, shall incur and be liable unto all the penalties, forfeitures and disabilities, for refusing and neglecting to take and subscribe the said oath, at such time as in the said former act is mentioned, and likewise unto all the other penalties for executing such office or employment, if he shall execute the same after such neglect or refusal to take and subscribe the said oath, as is therein mentioned.

1 ANNE, STAT. 2, CAP. 17.—*An act for enlarging the time for taking the oath of abjuration; and also for recapacitating and indemnifying such persons as have not taken the same by the time limited, and shall take the same by a time to be appointed; and for the further security of her majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors.*

13 W. 3, c. 6. —Whereas by an act made in the thirteenth year of the reign of his late majesty king *William* the third, intituled *an act for the further security of his majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*; and by one other act made in the first year of the reign of her present majesty, declaring the alterations of the oath in the said recited act contained, several of her said majesty's subjects are obliged to take and subscribe the oath therein mentioned, by certain times limited and appointed in the said recited act, who have, through ignorance or mistake, or by the not duly holding the courts where the same ought to have been taken, or for some other such like reasons, omitted or neglected to take and subscribe the said oath, and are thereby subject and liable to the disabilities, incapacities, and penalties in the said acts contained; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, that if any person or persons who ought to have taken and subscribed the said oath, with the alterations in the said last mentioned act contained, in the manner, at the places, and by the times in the said first recited act limited, shall, on or before the first day of *August* which shall be in the year of our Lord one thousand seven hundred and three, take and subscribe the said oath, so altered as aforesaid, in such manner, and at such places, as in and by the said several acts is prescribed, such person and persons is, are, and shall be (for

Persons who  
ought to have  
taken the  
oath, &c.  
may take the  
same by  
1 Aug. 1703,  
and be in-  
demnified,

such neglect or omission only) by this act indemnified from and against all the penalties, forfeitures, incapacities, and disabilities incurred by such mistake, neglect, or omission, and is, are, and shall be fully and actually recapacitated and restored to the same state and condition, to all intents and purposes, as if such person or persons had taken and subscribed the said oath, in such manner, at such places, and within such times as by the said several acts is prescribed, and no such mistake, neglect, or omission had been made; any thing in the said several acts to the contrary thereof in anywise notwithstanding.

and recapacitated. &c.

II. Provided always, that no person or persons, who by reason of any such mistake, neglect, or omission, hath or have lost or forfeited any office, benefice, place, dignity, or employment whatsoever, to which any other person or persons hath or have been preferred or promoted, shall be restored to such office, benefice, place, dignity, or employment; any thing herein contained to the contrary notwithstanding.

Except to office, &c. to which another hath been preferred.

III. And for the further security of her majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of *Wales*, and all other pretenders, and their open and secret abettors; be it further enacted by the authority aforesaid, that if any person or persons, at any time after the first day of *March* one thousand seven hundred and two, shall endeavour to deprive or hinder any person who shall be the next in succession to the crown for the time being, according to the limitations in an act, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*; and according to one other act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, from succeeding after the decease of her majesty (whom God long preserve) to the imperial crown of this realm, and the dominions and territories thereunto belonging, according to the limitations in the before mentioned acts; that is to say, such issue of her majesty's body as shall, from time to time, be next in succession to the crown, if it shall please God Almighty to bless her majesty with issue; and during the time her majesty shall have no issue, the princess *Sophia*, electress and duchess dowager of *Hanover*; and after the decease of the said princess *Sophia*, the next in succession to the crown for the time being, according to the limitation of the said acts; and the same maliciously, advisedly, and directly shall attempt by any overt act or deed; every such offence shall be adjudged high treason, and the offender or offenders therein, their abettors, procurers, and comforters, knowing the said offence to be done, being thereof convicted or attainted, according to the laws and statutes of this realm, shall be deemed and adjudged traitors, and shall suffer pains of death, and all losses and forfeitures, as in cases of high treason.

Any person endeavouring to hinder the next successor to the crown from succeeding, according to the act 1 W. & M. sess. 2, c. 2. 12 & 13 W. 3, c. 2.

shall be deemed guilty of high treason,

and suffer death, &c.

IV. And be it further enacted by the authority aforesaid, that all and every person and persons that shall bear any office or offices, military or civil, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant, from her majesty, or any of her majesty's predecessors, or shall have command or place of trust from or under her majesty, or from any of her majesty's predecessors, or

All persons in office, &c. in Ireland, to take the oath,

by her or their authority, or by authority derived from her or them, within the realm of *Ireland*, and all ecclesiastical persons, and master, governor, head or fellow of the college or university of *Dublin*, and all persons teaching pupils in the said university or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, and every person that shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, practising in any manner as such in any court or courts whatsoever, who shall inhabit, be, or reside within the city of *Dublin*, or within thirty miles of the same, on the first day of *Easter* term, which shall be in the year of our Lord one thousand seven hundred and three, or at any time during the said term, shall personally appear before the end of the said term, or in *Trinity* term then next following, in her majesty's high court of chancery in that kingdom, or in her majesty's court of queen's bench, common pleas, or exchequer there; and shall then in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the oath according to the alterations thereof in the said two first mentioned acts contained, unto which oath so taken, every such person so taking the same, shall subscribe his name, or make his mark, and during the time of taking such oath, all pleas and proceedings in the said respective courts shall cease; and all and every the said respective persons not having taken the said oath, and subscribed the same as aforesaid, shall on or before the first day of *August* in the year of our Lord one thousand seven hundred and three, at the general quarter sessions for the county, barony, or place in the said kingdom of *Ireland*, where he or they shall be, inhabit or reside, on the twentieth day of *May* in the year of our Lord one thousand seven hundred and three, take the said oath in open court, between the said hours of nine and twelve in the forenoon, and subscribe his name or make his mark under the same.

in any of the  
courts there,

and subscribe  
his name,

or at the  
quarter ses-  
sions.

All persons  
that shall be  
admitted in-  
to office, &c.  
in Ireland, to  
take the said  
oath, &c.

3 W. & M.  
c. 2, and all  
ecclesiastical  
persons, &c.  
practisers of  
the law, &c.

V. And be it further enacted by the authority aforesaid, that all and every person and persons that shall be admitted, entered, placed, or taken into any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant from her majesty, or shall have command or place of trust from or under her majesty, or by her authority, or by authority derived from her, within the said realm of *Ireland*, after the first day of *Easter* term aforesaid, shall take and subscribe the said oath, at the same time that he or they shall take the oaths, and make and subscribe the declaration required and appointed to be taken, made, and subscribed, by an act made in the third year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for the abrogating the oath of supremacy in Ireland, and appointing other oaths*; and all ecclesiastical persons, every master, governor, head, or fellow of the college or university of *Dublin*, and all persons teaching pupils in the said university or elsewhere, and all schoolmasters or ushers, and all preachers and teachers of separate congregations, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk, or notary, by practising in any manner as such, in any court or courts whatsoever, who shall, at any time after the first day of *Easter* term aforesaid, be admitted

unto or enter upon any of the before mentioned preferments, benefices, offices, or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment, or business as aforesaid, shall, after he or they shall be admitted into, or enter upon any such preferment, benefice, office, or place, or come into such capacity, or take upon him or them such practice, employment or business as aforesaid, take and subscribe the said oath in the next term, in one of the said courts, or at the next general quarter sessions for the county, barony, or place in the said kingdom where he or they shall reside, after he or they shall be admitted into or enter upon any such preferment, benefice, office, or place, or come into such capacity, or take upon him or them such practice, employment, or business as aforesaid.

VI. And be it further enacted, that all and every the person and persons aforesaid, that do or shall neglect or refuse to take the said oath, and subscribe thereunto in the said courts and places, and at the respective times aforesaid, shall incur, be subject and liable unto the forfeitures, penalties, and disabilities in the said first mentioned act expressed, for the neglect or refusal of the same, by any such person or persons in the kingdom of *England*.

Penalties on persons neglecting, &c.

VII. Provided, that nothing in this act contained shall extend to any person that now is, or at any time hereafter shall be, in *England*, who by virtue of this act ought to take the said oath, and subscribe thereunto in *England*, according to the said two first mentioned acts, nor to any person now beyond the seas, out of *England* and *Ireland*, or in her majesty's service on board the fleet, so as such person do the next term, or the next general quarter sessions for the county, barony, or place where he shall reside, after his return into *Ireland*, take the said oath, and subscribe thereunto according to the appointment of this act.

Persons in England, or beyond sea, may take the oath after return.

VIII. And be it further enacted, that it shall and may be lawful to and for the respective courts aforesaid, to give and administer the oath aforesaid, to the said person and persons, and, upon due tender of any person or persons, to take the said oath, the said courts are hereby required and enjoined to administer the same; of the taking and subscribing whereof the like register shall be kept, as by an act made in the five and twentieth year of king *Charles* the second, was directed to be kept of the subscribing the declaration therein mentioned.

Courts to administer the oath.

How register shall be kept.

IX. Provided always, that any person, who by any neglect or refusal, according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and shall have and hold the same again, such person taking the said oath, and subscribing thereunto, in such manner as aforesaid, so as such office be not granted to, or actually enjoyed by, some other person at the time of the re-granting thereof.

Person by neglect, &c. forfeiting office, may be capable of a new grant, &c.

X. And be it further enacted by the authority aforesaid, that from and after the five and twentieth day of *March* one thousand seven hundred and three, no person that now is, or shall be hereafter, a peer of the realm of *Ireland*, or member of the house of peers there, shall vote or make his proxy in the said house of peers, or sit there during any debate in the said house; nor any person after the said

No peer of Ireland to sit in the house of peers;

nor member of the house of commons capable to vote, until they take the oath, &c.  
3 W. & M. c. 2.

five and twentieth day of *March*, who shall be elected a member of the house of commons in that kingdom, shall be capable to vote in the said house, or sit there during any debate in the same, after their speaker is chosen; until such peer or member shall from time to time respectively take the said oath, and subscribe the same, at the same time, and in such manner as is directed for their making, subscribing, and repeating the declaration mentioned and expressed in the said act, intituled *an act for abrogating the oath of supremacy in Ireland, and appointing other oaths.*

Penalty.

XI. And be it further enacted, that if any person that now is, or hereafter shall be, a peer of the said realm of *Ireland*, or member of the house of commons there, shall, after the said five and twentieth day of *March*, presume to vote or make his proxy, not having taken the said oath, and subscribed the same as aforesaid, every such peer and member shall from thenceforth incur, be subject, and liable unto the forfeitures, penalties, and disabilities in the said first mentioned act expressed, touching peers in parliament, and members in the house of commons in *England*.

Act not to extend to the office of any constable, &c.

XII. Provided always, that this act or any thing therein contained shall not extend to the office of any high constable, petty constable, tithingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior civil officer in the said kingdom of *Ireland*, or to any office of forester, or keeper of any park, chase, warren, or game, or bailiff of any manor or lands, nor to any like private offices, nor to any person or persons having only any the before mentioned or the like offices in the said kingdom.

1 W. & M. sess. 2, c. 2.  
12 & 13 W. 3, c. 2.

4 ANNE, CAP. 8.—*An act for the better security of her majesty's person and government, and of the succession to the crown of England, in the protestant line.*—Persons who by writing, &c. shall declare, &c. that the queen is not lawful queen, or that the pretended prince of *Wales* hath any right to the crown, &c. guilty of high treason. Persons who by preaching, &c. shall declare and affirm the queen not lawful queen, &c. to incur the penalty of *premunire*. Parliament not dissolved by the queen's death, but to continue for six months after, &c. Parliament to meet immediately after the queen's death. In case of no parliament, the last preceding to meet. Not to abridge the queen's power to prorogue or dissolve parliaments, &c. Privy council not to be dissolved by the queen's death; nor the places of the great officers; nor any officers civil or military; but to continue for six months, &c. The great seal, &c. to be used. Upon queen's death, privy council to cause the next protestant successor to be proclaimed, on penalty of high treason. In case the successor be out of the realm, at the queen's death, seven lords justices appointed. The successor by three instruments, may add seven others. The three instruments to be transmitted into *England*, and to be severally sealed up, and deposited, &c. Persons opening any of the said instruments, &c. guilty of a *premunire*. Any one of the instruments produced to privy council, to be effectual. Lords justices not to dissolve the parliament without direction, &c. Nor alter the act 13 & 14 *Car. 2*, c. 4. on penalty of high treason. Lords justices before they act to take the oaths, &c. and also all persons in offices, &c. Lords justices to

16 R. 2, c. 5.  
6 & 7 W. 3, c. 2.  
6 Annm. c. 7, and 1 Geo. 2, stat. 1, c. 5, and stat. 2, c. 23.  
1 W. & M. sess. 1, c. 8.  
1 Annm. st. 1, c. 22.

be deemed as officers in trust. The successor may use any seal <sup>11 & 12 W. 3.</sup> before her or his arrival in *England*. Parliament called by lords <sup>c. 2.</sup> justices, not to be dissolved by arrival of successor.

XXIV. And whereas in and by the said act of parliament made in the twelfth year of the reign of his late majesty king *William* the third, of glorious memory, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*; it was amongst other things enacted, in the words following, that from and after the time that the further limitation by this act shall take effect, all matters and things relating to the well government of this kingdom, which are properly cognizable in the privy council by the laws and customs of this realm, shall be transacted there, and all resolutions taken thereupon, shall be signed by such of the privy council, as shall advise and consent to the same; be it enacted by the authority aforesaid, that the said recited clause shall be, and the same is hereby annulled and repealed, as if the same act had never been made. Clauses repealed.

XXV. And whereas also in the said act it was amongst other things enacted in the words following, that no person who has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the house of commons; and it appearing reasonable that the said recited clause should be repealed: be it therefore enacted by the authority aforesaid, that the said last recited clause shall be, and is hereby annulled and repealed, as if the same act had never been made.

Persons in new offices disabled from being elected members of the house of commons. Members accepting of any office of profit, their election void. But may be again elected. No office to be executed by too great a number of commissioners. Not to extend to officers in the navy or army. Persons disabled, and returned as members, such election and return to be void. Penalty on sitting. [This statute is re-enacted 6 *Anno*, c. 7, and therefore is omitted here.]

5 ANNE, CAP. 5.—*An act for securing the church of England as by law established*.—See Title—"CHURCH, EPISCOPAL, IN SCOTLAND," vol. i. p. 593.

5 ANNE, CAP. 8, ART. 22.—*An act for the union of the two kingdoms of England and Scotland*.

## ARTICLE XXII.

That by virtue of this treaty, of the peers of *Scotland*, at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of *Scotland* in the house of commons of the parliament of *Great Britain*; and that when her majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of *Great Britain*, until the parliament of *Great Britain* shall make further provision therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of *Scotland*, commanding them to cause sixteen peers, who are to sit in the house of lords, to be summoned to parliament, and forty-five members to be elected to sit in the house of commons of the parliament of *Great Britain*, according to the agreement

Sixteen peers of *Scotland* to sit in the house of lords.

Forty-five members to sit in the



house of commons. Further provisions relating hereto, 6 Annæ, c. 23, s. 1.

First parliament of Great Britain.

Members to take the oaths, &c.

1 W. & M. sess. 1, c. 8.

30 Car. 2, st. 2, c. 1.

of this treaty, in such manner as by an act of this present session of the parliament of *Scotland* is or shall be settled; which act is hereby declared to be as valid as if it were a part of, and engrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the privy council of *Scotland* into the court from whence the said writ did issue. And that if her majesty, on or before the first day of *May* next, on which day the union is to take place, shall declare under the great seal of *England*, that it is expedient that the lords of parliament of *England*, and commons of the present parliament of *England*, should be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*, then the said lords of parliament of *England*, and commons of the present parliament of *England*, shall be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*: and her majesty may by her royal proclamation, under the great seal of *Great Britain*, appoint the said first parliament of *Great Britain* to meet at such time and place as her majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of *Great Britain*, directed to the privy council of *Scotland*, for the summoning the sixteen peers, and for electing forty-five members, by whom *Scotland* is to be represented in the parliament of *Great Britain*. And the lords of parliament of *England*, and the sixteen peers of *Scotland*, such sixteen peers being summoned and returned in the manner agreed in this treaty, and the members of the house of commons of the said parliament of *England*, and the forty-five members for *Scotland*, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in the respective houses of the parliament of *Great Britain*, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of *Great Britain*; and that parliament may continue for such time only, as the present parliament of *England* might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty. And that every one of the lords of parliament of *Great Britain*, and every member of the house of commons of the parliament of *Great Britain*, in the first and all succeeding parliaments of *Great Britain*, until the parliament of *Great Britain* shall otherwise direct, shall take the respective oaths appointed to be taken instead of the oaths of allegiance and supremacy, by an act of parliament made in *England* in the first year of the reign of the late king *William* and queen *Mary*, intituled *an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*, and make, subscribe, and audibly repeat the declaration mentioned in an act of parliament made in *England* in the thirtieth year of the reign of king *Charles* the second, intituled *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*; and shall take and subscribe the oath mentioned in an act of parliament made in *England* in the first year of her majesty's reign,

intituled an act to declare the alterations in the oath appointed to be taken by the act, intituled an act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; at such time, and in such manner as the members of both houses of parliament of *England* are by the said respective acts directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained And it is declared and agreed, that these words, *this realm, the crown of this realm, and the queen of this realm*, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of *England*, shall be understood of the crown and realm of *Great Britain*; and that in that sense the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of *Great Britain*.

1 Anne, st. 1, c. 22.

6 ANNE, CAP. 7.—*An act for the security of her majesty's person and government, and of the succession to the crown of Great Britain in the protestant line.*—Whereas by the happy union of *England* and *Scotland*, it is become necessary to make divers alterations in relation to an act passed in the parliament of *England*, in the fourth year of the reign of her present majesty, whom God long preserve, intituled an act for the better security of her majesty's person and government, and of the succession to the crown of *England* in the protestant line, and to extend the provisions of the said act throughout the whole united kingdom, for the better security of our most gracious sovereign's person and government, and of the succession to the crown of *Great Britain* in the protestant line, as it is now by the laws and statutes of this realm settled, limited, and appointed; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any person or persons shall maliciously, advisedly, and directly, by writing or printing, maintain and affirm, that our sovereign lady the queen that now is, is not the lawful and rightful queen of these realms, or that the pretended prince of *Wales*, who now styles himself king of *Great Britain*, or king of *England*, by the name of *James* the third, or king of *Scotland*, by the name of *James* the eighth, hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to an act of parliament made in *England* in the first year of the reign of their late majesties king *William* and queen *Mary*, of ever blessed and glorious memory, intituled an act declaring the rights and liberties of the subject, and settling the succession of the crown; and one other act made in *England* in the twelfth year of the reign of his said late majesty king *William* the third, intituled an act for the further limitation of the crown, and better securing the rights and liberties of the subject; and the acts lately made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the kings or queens of this realm, with and by the authority of parliament, are not able to

Persons who by writing, &c. shall declare, &c. the queen not to be lawful queen, or that the pretended prince of *Wales* hath any right to the crown, &c.  
1 W. & M. sess. 2, c. 2.  
12 & 13 W. 3. c. 2.

Guilty of  
high treason.

make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof; every such person or persons shall be guilty of high treason, and being thereof lawfully convicted, shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason.

Preachers,  
&c. who shall  
declare and  
affirm the  
queen not to  
be lawful  
queen, &c.

II. And be it further enacted by the authority aforesaid, that if any person or persons shall maliciously and directly, by preaching, teaching, or advised speaking, declare, maintain, and affirm, that our sovereign lady the queen that now is, is not the lawful or rightful queen, of these realms, or that the pretended prince of *Wales*, who now styles himself king of *Great Britain*, or king of *England*, by the name of *James* the third, or king of *Scotland*, by the name of *James* the eighth, hath any right or title to the crown of these realms, or that any other person or persons hath or have any right or title to the same, otherwise than according to an act of parliament made in *England* in the first year of the reign of their said late majesties king *William* and queen *Mary*, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*; and one other act made in *England*, in the twelfth year of the reign of his late majesty king *William* the third, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*; and the acts lately made in *England* and *Scotland* mutually for the union of the two kingdoms; or that the kings or queens of this realm, with and by the authority of parliament, are not able to make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance and government thereof; every such person or persons shall incur the danger and penalty of *premunire* mentioned in the statute of *premunire* made in *England* in the sixteenth year of the reign of king *Richard* the second.

1 W. & M.  
sess. 2, c. 2.

12 & 13 W. 3.  
c. 2.

To incur the  
penalty of  
premunire.  
16 R. 2, c. 5.

No prosecu-  
tion unless  
information  
be within  
three days  
after words  
spoken.

III. Provided always, and be it enacted by the authority aforesaid, that no person shall be prosecuted by virtue of this act for any words spoken, unless the information of such words be given upon oath to one or more justice or justices of the peace within three days after such words spoken, and the prosecution of such offence be within three months after such information; and that no person shall be convicted by virtue of this act for any such words spoken, but by the oaths of two credible witnesses.

Parliament  
not to be  
dissolved  
by queen's  
death.

IV. And be it further enacted by the authority aforesaid, that this present parliament, or any other parliament which shall hereafter be summoned and called by her majesty queen *Anne*, her heirs or successors, shall not be determined or dissolved by the death or demise of her said majesty, her heirs or successors, but such parliament shall, and is hereby enacted to continue, and is hereby empowered and required, if sitting at the time of such demise, immediately to proceed to act, notwithstanding such death or demise, for and during the term of six months, and no longer, unless the same be sooner prorogued or dissolved by such person to whom the crown of this realm of *Great Britain* shall come, remain and be, according to the acts for limiting and settling the succession, and for the union above mentioned; and if the said parliament shall be prorogued, then it

But continue  
for six  
months after.

shall meet and sit on and upon the day unto which it shall be prorogued, and continue for the residue of the said time of six months, unless sooner prorogued or dissolved as aforesaid.

V. And be it further enacted by the authority aforesaid, that if there be a parliament in being, at the time of the death of her majesty, her heirs or successors, but the same happens to be separated by adjournment or prorogation, such parliament shall immediately after such demise meet, convene and sit, and shall act, notwithstanding such death or demise, for and during the time of six months, and no longer, unless the same shall be sooner prorogued and dissolved as aforesaid.

Parliament to meet immediately after death.

VI. And be it further enacted by the authority aforesaid, that in case there is no parliament in being at the time of such demise that hath met and sat, then the last preceding parliament shall immediately convene, and sit at *Westminster*, and be a parliament to continue as aforesaid, to all intents and purposes, as if the same parliament had never been dissolved, but subject to be prorogued and dissolved as aforesaid.

In case there be no parliament, then the last preceding to meet.

VII. Provided always, and it is hereby declared, that nothing in this act contained shall extend, or be construed to extend to alter or abridge the power of the queen, her heirs or successors, to prorogue or dissolve parliaments, nor to repeal, or make void one act of parliament made in *England*, in the sixth year of the reign of their said late majesties king *William* and queen *Mary*, intituled *an act for the frequent meeting and calling of parliaments*; but that the said act shall continue in force in every thing that is not contrary to, or inconsistent with the direction of this act; and the said act for the frequent meeting and calling of parliaments is hereby declared and enacted to extend to the parliament of *Great Britain*, as fully and effectually, to all intents, constructions, and purposes, as if the same were herein and hereby particularly recited and enacted.

Not to abridge queen's power to prorogue or dissolve parliaments. 6 W. & M. c. 2.

VIII. And be it further enacted by the authority aforesaid, that the privy council of her majesty, her heirs or successors for the kingdom of *Great Britain*, shall not be determined or dissolved by the death or demise of her majesty, her heirs or successors; but such privy council shall continue and act as such by the space of six months next after such demise, unless sooner determined by the next successor to whom the imperial crown of this realm is limited and appointed to go, remain, and descend; nor shall the office or place of lord chancellor or lord keeper of the great seal of *Great Britain*, or of lord high treasurer of *Great Britain*, lord president of the council for *Great Britain*, lord privy seal of *Great Britain*, lord high admiral of *Great Britain*, or of any of the great officers of the queen or king's household for the time being; nor shall any office, place, or employment, civil or military, within the kingdoms of *Great Britain* or *Ireland*, dominion of *Wales*, town of *Berwick-upon-Tweed*, isles of *Jersey*, *Guernsey*, *Alderney* and *Sark*, or any of her majesty's plantations, become void by reason of the demise or death of her present majesty, her heirs or successors, queens or kings of this realm; but the said lord chancellor or lord keeper of the great seal of *Great Britain*, the lord high treasurer of *Great Britain*, the lord president of the council, the lord privy seal, the lord high admiral of

To extend to the parliament of *Great Britain*.

Privy council not to be dissolved by queen's death.

Nor the places of the great officers

Nor any offices civil or military.

*Great Britain*, the great officers of the household, and every other person and persons in any of the offices, places, and employments aforesaid, shall continue in their respective offices, places, and employments, for the space of six months next after such death or demise, unless sooner removed and discharged by the next in succession as aforesaid.

But continue  
for six  
months.

Great seal,  
&c. to be  
used.

IX. And be it further enacted by the authority aforesaid, that the great seal of *Great Britain*, the privy seal, privy signet, and all other public seals in being, at the time of the demise of her majesty, her heirs or successors, shall continue and be made use of as the respective seals of the successor, until such successor shall give order to the contrary.

On queen's  
death, privy  
council to  
cause the  
next protest-  
ant succes-  
sor to be  
proclaimed;

X. And be it further enacted by the authority aforesaid, that whensoever her majesty (whom God long preserve) shall happen to demise and depart this life without issue of her body, the privy council for *Great Britain* in being, at the time of such demise of her majesty, shall with all convenient speed cause the next protestant successor entitled to the crown of *Great Britain*, by virtue of the acts before mentioned, to be openly and solemnly proclaimed in *Great Britain* and *Ireland*, in such manner and form as the preceding kings and queens respectively have been usually proclaimed after the demise of their respective predecessors; and that all and every member and members of the said privy council, wilfully neglecting or refusing to cause such proclamation to be made, shall be guilty of high treason, and being thereof lawfully convicted, shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason; and also all and every officer and officers within the said kingdoms of *Great Britain* and *Ireland*, who shall by the said privy council be required to make such proclamations, and shall wilfully refuse or neglect to make the same, shall be guilty of high treason, and being thereof lawfully convicted shall be adjudged traitors, and shall suffer pains of death, and all losses and forfeitures as in cases of high treason.

on pain of  
high treason.

In case suc-  
cessor be out  
of the realm  
at queen's  
death;

XI. And because it may happen that the next protestant successor may, at the time of such demise of her majesty, be out of the realm of *Great Britain* in parts beyond the seas; be it therefore enacted by the authority aforesaid, that for the continuing of the administration of the government in the name of such protestant successor, until her or his arrival in *Great Britain*, the seven officers hereinafter named, who shall be in the possession of their offices at the time of such demise of her majesty, that is to say, the archbishop of *Canterbury*, at that time being, the lord chancellor or lord keeper of the great seal of *Great Britain* at that time being, the lord high treasurer of *Great Britain* at that time being, the lord president of the council for *Great Britain* at that time being, the lord privy seal of *Great Britain* at that time being, the lord high admiral of *Great Britain* at that time being, and the lord chief justice of the queen's bench at that time being, shall be and are, by virtue of this act, constituted and appointed lords justices of *Great Britain*, and are and shall be, by virtue of this act, empowered, in the name of such successor, and in her and his stead, to use, exercise, and execute all powers, authorities, matters, and acts of government, and administration of

Seven lords  
justices  
appointed.

government, in as full and ample manner as such next successor could use or execute the same, if she or he were present in person within this kingdom of *Great Britain*, until such successor shall arrive, or otherwise determine their authority.

XII. Nevertheless, be it further enacted by the authority aforesaid, that such person, who by the limitations aforesaid is or shall be next to succeed to the crown of this realm, in case of her majesty's demise without issue, shall and is hereby empowered, at any time during her majesty's life, by three instruments under her or his hand and seal, revocable or to be altered at her and his will and pleasure, to nominate and appoint such and so many persons, being natural born subjects of this realm of *Great Britain*, as she or he shall think fit, to be added to the seven officers before named, to be lords justices as aforesaid; who shall be empowered, by authority of this act, to act with them as lords justices of *Great Britain*, as fully and in the same manner as if they had been herein particularly named: which said lords justices, or the major part of them, which shall assemble, so as such major part be not fewer than five, shall and may use and exercise all the powers and authorities before mentioned, as fully and effectually, to all intents and purposes, as if all of them had been assembled together and consenting.

The successor (by three instruments) may add seven others.

XIII. And be it enacted by the authority aforesaid, that the said three instruments, revocable and to be altered as aforesaid, shall be transmitted into *Great Britain*, to the residence of such person next to succeed as aforesaid, whose credentials shall be enrolled in the high court of chancery, and to the archbishop of *Canterbury*, and the lord chancellor or lord keeper of the great seal of *Great Britain*, close sealed up; and after they are so transmitted, shall be put into several covers, which shall be severally sealed up with three several seals of such resident, and of the archbishop of *Canterbury*, and of the lord chancellor or lord keeper of the great seal of *Great Britain*; and one of them, after it is sealed up, shall be lodged and deposited in the hands of such resident, one other of them in the hands of the said archbishop of *Canterbury*, and one other of them in the hands of the lord chancellor or lord keeper of the great seal of *Great Britain*: and that if the next successor shall be minded to revoke or alter her or his nomination or appointment made as aforesaid, and shall by three writings of the same tenor, under her or his hand and seal, require the said instruments deposited as aforesaid, to be delivered up to some person or persons thereby authorized to receive the same; then and in such case the said persons with whom the said instruments shall be deposited, and every of them, and in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to be, shall deliver up the said instruments accordingly; and they are hereby respectively authorized and required so to do: and if any of the said persons with whom the said instruments shall be so deposited shall happen to die, or be removed from their respective offices or employments, during the life of her present majesty, such person and persons, and in case of any of their deaths, their executors or administrators respectively, and every other person in whose custody any of the said instruments shall happen to

The three instruments to be transmitted into Great Britain

and severally sealed up and deposited, &c.

be, shall, with all convenient speed, deliver such of them as shall be in his or their custody, to the successor or successors of the person so dying or removed as aforesaid; which said several instruments so sealed up and deposited as aforesaid, shall immediately after the demise of her majesty without issue, be brought before the privy council, where the same shall be forthwith opened and read, and afterwards enrolled in the high court of chancery.

Persons opening any of the said instruments, &c. guilty of a premunire.

XIV. And be it further enacted by the authority aforesaid, that if any of the said persons with whom the said instruments shall be deposited as aforesaid, or any of their executors or administrators, or any other person in whose custody the same shall happen to be after the deceases of any of the said persons, shall open any of the said instruments, or shall wilfully neglect or refuse to produce before the said privy council as aforesaid, such of the said instruments as shall be in his or their custody as aforesaid, every such person so opening, neglecting or refusing, shall incur the pains and penalties of a *premunire* inflicted by the said statute of *premunire*.

16 R. 2. c. 5.

Any one of the instruments produced to the privy council to be effectual.

XV. And be it further enacted by the authority aforesaid, that if all the said instruments deposited as aforesaid, shall not be produced before the said privy council as aforesaid, then any one or more of the said instruments so produced as aforesaid, shall be as effectual to give such authority as aforesaid, to the persons therein named, as if all of them had been produced as aforesaid: and if there be not any nomination by such instruments, then the said seven officers, or any five of them, are constituted and appointed to be lords justices of *Great Britain*, and are hereby invested with the powers and authorities mentioned in this act.

Nomination of lords justices by successor, already made, to be as effectual as if appointed by this act.

XVI. And be it further enacted by the authority aforesaid, that any nomination and appointment already made by the next successor, signified by such instruments deposited as aforesaid, pursuant to the said former act for the better security of her majesty's person and government, and of the succession to the crown of *England* in the protestant line, shall be deemed and taken to be as effectual for constituting and appointing the persons so nominated lords justices of *England* to be lords justices of *Great Britain*, to all intents, constructions and purposes, as if such nomination and appointment were made pursuant to this act.

Lords justices not to dissolve the parliament without direction, nor alter 13 & 14 Car. 2. c. 4.

XVII. And be it further enacted, that the said lords justices constituted as aforesaid, shall not dissolve the parliament continued and ordered to assemble and sit as aforesaid, without express direction from such succeeding queen or king; and that the said lords justices shall be, and are hereby restrained and disabled from giving the royal assent in parliament to any bill or bills for the repealing or altering the act made in *England* in the thirteenth and fourteenth years of the reign of king *Charles* the second, intituled *an act for the uniformity, of public prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form for making, ordaining, and consecrating bishops, priests, and deacons in the church of England; or the act made in Scotland in the last session of parliament there, intituled act for securing the protestant religion, and presbyterian church government*; and all and every the said lords justices concurring in giving the royal assent to any bill

or an act made in Scotland.

or bills for repealing or altering the said acts, or either of them, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

XVIII. And be it further enacted by the authority aforesaid, that the said lords justices, before they act or intermeddle in their said offices, or any of the authorities hereby to them given, shall take the oaths mentioned in an act made in *England* in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*; and also the oath hereinafter expressed and enacted to be taken after the demise of her majesty without issue of her body; which said oaths shall be taken before the privy council appointed to continue by virtue of this act, who are hereby required and empowered to administer the same; and that all the members of both houses of parliament, and every member of the privy council, and all officers or persons in any offices, places, or employments civil or military, who are or shall be by this act continued as aforesaid, shall take the said oaths, and do all other acts requisite by the laws and statutes of this realm, to qualify themselves to be and continue in such their respective places, offices and employments, within such time, and in such manner, and under such pains, penalties, and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted, or put into such offices, places, or employments in the usual and ordinary way.

Lords justices to take the oaths, 1 W. & M. sess. 1, c. 8.

By 1 Geo. 2, stat. 1, c. 5, and by 1 Geo. 2, st. 3, c. 23. Repealed as to officers qualifying themselves anew.

XIX. And it is hereby further enacted and declared, that all and every the persons that shall be any of the lords justices by virtue of this act, shall be deemed and taken as persons executing offices of trust within *England*, and shall be required to do all acts requisite by the laws and statutes of *England*, to qualify themselves to be and continue in their said offices or places of trust, within such times, and in such manner and under such pains, penalties, and disabilities as in and by the said act are required.

And be deemed officers of trust,

XX. And be it further enacted by the authority aforesaid, that from and after the demise of her majesty without issue of her body, instead of the oath appointed to be taken by the act, intituled *an act for the further security of her majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined*, the following oath shall be taken by all persons required by the said act to take the said oath therein mentioned, and hereby altered and changed (that is to say)

After queen's death, 1 Anne, stat. 1, c. 22.

following oath to be taken.

I *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our sovereign

The oath.

is lawful and rightful of this realm, and of all other majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales* during the life of the late king *James*, and since his decease pretending to be, and taking upon himself the style and title of king of *England*, by the name of *James* the third, hath not any right or title whatsoever to the crown of this realm, or any



other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, that I will bear faith and true allegiance to

and will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against

person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to majesty and successors, all treasons and traitorous conspiracies which I shall know to be against

or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against him the said *James*, and all other persons whatsoever, as the same by an act,

12 & 13 W. 3,  
c. 2.

intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to the express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly and truly, upon the true faith of a christian.

*So help me God.*

How blanks  
in the oath  
shall be filled  
up.

XXI. The blanks of which oath shall be filled up with the name of her or him, as queen, or king, who shall be next in succession, according to the said act for the further limitation of the crown, and better securing the rights and liberties of the subject, when the said oath is to take place, and with the other proper additions of the words *her*, *his*, or *him*, and from and after the death of the said pretended prince of *Wales*, these words following, *viz.* [and I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales*, during the life of the late king *James*, and since his decease pretending to be, and taking upon himself the style and title of king of *England*, by the name of *James* the third, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him] shall be left out, and also the words [against him the said *James*, and all other persons whatsoever] shall be omitted, and instead thereof shall be inserted [against all persons whatsoever.]

The successor may use  
any seal before her or  
his arrival in  
Great Britain

XXII. And be it further enacted by the authority aforesaid, that such next succeeding queen or king shall and may make use of any seal, to affix to any writing or instrument, which she or he shall, before her or his arrival in *Great Britain*, make and pass, to execute and do, or cause to be executed or done, any regal act; and it being signified by such writing or instrument, that the same shall have the same effect as if passed under the great seal of *Great Britain*, or any other public seal used there, the same shall be of the same force and effect, as if it were actually sealed by the great seal of *Great Britain*, or such other public seal, which the same is declared to be intended to have the force and effect of in such writing or instrument.

XXIII. And be it further declared and enacted, that if, after the death of her majesty without issue, and before the arrival of any succeeding queen or king in *Great Britain*, any parliament shall be called by the lords justices, by writs tested in their names; by the arrival of such succeeding queen or king in *Great Britain*, such parliament shall not be dissolved, but after such arrival shall proceed without any new summons.

Parliament called by lords justices not to be dissolved by arrival of successor.

XXIV. Provided always, that if any of the aforesaid seven offices, other than the office of lord high treasurer of *Great Britain*, shall be in commission at the time of such demise of her majesty, that then the first commissioner of such respective commission shall be one of the said lords justices of *Great Britain*, and use, exercise, and execute all powers, authorities, matters, and acts of government by this act vested in the said lords justices of *Great Britain*, according to the directions and provisions of this act, in as full and ample manner as if such office or offices were in the hands of a single person. Provided, that if there be no lord high treasurer of *Great Britain*, and the office of treasurer of the exchequer shall be in commission, then the first in that commission shall be one of the lords justices of *Great Britain*.

Proviso in case any of the seven great offices be in commission at queen's death.

XXV. And be it further enacted by the authority aforesaid, that no person, who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which at any time since the five and twentieth day of *October* in the year of our Lord one thousand seven hundred and five, have been created or erected, or hereafter shall be created or erected, nor any person who shall be a commissioner, or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commissioners of the navy employed in any of the out-ports, nor any person having any pension from the crown during pleasure, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

Persons in office, &c. made incapable of being elected members of the house of commons.

By 1 Geo. 1, stat. 2, c. 56, no pensioner for years shall sit in the house, &c. See 15 Geo. 2, c. 93.

XXVI. Provided always, that if any person being chosen a member of the house of commons, shall accept of any office of profit from the crown, during such time as he shall continue a member, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead. Provided nevertheless, that such person shall be capable of being again elected, as if his place had not become void as aforesaid.

Accepting office of profit while a member, election void: but may be again elected.

XXVII. Provided also, and be it enacted, that in order to prevent for the future too great a number of commissioners to be appointed or constituted for the executing of any office, that no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such respective office at some time before the first day of this present parliament.

No office to be executed by too many commissioners.

Notto extend  
to officers in  
the navy or  
army.

XXVIII. Provided also, that nothing herein contained shall extend, or be construed to extend to any member of the house of commons, being an officer in her majesty's navy or army, who shall receive any new, or other commission in the navy or army respectively.

Persons  
disabled, if  
returned as  
members,  
such elec-  
tion and  
return void.

XXIX. And be it further enacted, that if any person hereby disabled, or declared to be incapable to sit or vote in any parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewardry, city, town, or cinque port, in any such parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person disabled, or declared incapable by this act to be elected, shall after the dissolution or determination of this present parliament presume to sit or vote as a member of the house of commons in any parliament to be hereafter summoned, such person so sitting or voting shall forfeit the sum of five hundred pounds, to be recovered by such person as shall sue for the same in *England*, by action of debt, bill, plaint or information, wherein no essoin, protection or wager of law shall be allowed, and only one imparlance.

Penalty on  
sitting.

XXX. And be it further enacted and declared, that every person disabled to be elected, or to sit or vote in the house of commons of any parliament of *England*, shall be disabled to be elected, or to sit or vote in the house of commons of any parliament of *Great Britain*.

No commis-  
sioner for the  
equivalent  
disabled from  
being elected

XXXI. And be it further enacted by the authority aforesaid, that no person, who now is a commissioner for disposing the sum of three hundred ninety-eight thousand and eighty-five pounds ten shillings, and all other sums arising to *Scotland* by way of equivalent, upon the agreements, and to the purposes mentioned in the articles of union of the two kingdoms, shall, for, or by reason of such commission, or any other commission for disposing the said equivalent, or any part thereof, or the execution of any such commission, or any thing relating thereunto, be disabled from being elected a member of parliament, or sitting or voting as such in this or any future parliament.

This act en-  
larged by  
8 Anne, c. 15.

6 ANNE, CAP. 14.—*An act for the better security of her majesty's person and government.*—For the better security of her majesty's person and government against the practices and attempts of all persons who shall be suspected to be disaffected and dangerous to the same, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all officers civil and military, in that part of the kingdom of *Great Britain*, commonly called *Scotland*, shall be obliged to take the following oath:

Officers civil  
and military  
in Scotland  
to take the  
oath.  
And by 10  
Anne, c. 12,  
s. 6, patrons  
of livings  
must take  
this oath.  
By 10 Anne,  
c. 2, s. 10,  
advocates.  
Altered by 1  
Geo. 1, c. 13.

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare, in my conscience, before God and the world, that our sovereign lady queen *Anne*, is lawful and rightful queen of this realm, and of all other her majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales*, during the life of the late king *James*, and since his decease pretending to be and taking upon himself the style and title of king

of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, that I will bear faith and true allegiance to her majesty queen *Anne*, and her will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against her person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to her majesty and her successors all treasons and traitorous conspiracies, which I shall know to be against her or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain and defend the succession of the crown, against him the said *James*, and all other persons whatsoever, as the same is and stands settled by an act, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown* to her present majesty and the heirs of her body, being protestants; and as the same by one other act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands settled and entailed after the decease of her majesty, and for default of issue of her majesty, to the princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise, heartily, willingly and truly, upon the true faith of a christian.

1 W. & M.  
sess. 2, c. 2.

12 & 13 W. 3.  
c. 2.

*So help me God.*

II. And be it further enacted by the authority aforesaid, that all such persons now having or bearing any the offices aforesaid, and who in respect thereof have been or are obliged and required to take in *Scotland* an oath, called *the oath of allegiance and assurance*, before the privy council there, shall be obliged, on or before the twentieth day of *April* one thousand seven hundred and eight, to take and subscribe the oath hereby appointed, before that privy council while it shall continue, and after the determination thereof, before and in the court of the lords of session, or the court of justiciary, or the court of exchequer there; and all others now in any other the offices aforesaid, who in respect thereof have used and been obliged to take the said oath of allegiance and assurance in any other court or place, shall be, and are hereby required and obliged to take and subscribe the same at the next quarter sessions of the peace which shall be held for any county or place in which any such officer shall be resident or abiding.

Before whom  
oath shall be  
taken.

III. And be it further enacted by the authority aforesaid, that all and every person or persons whatsoever, who shall hereafter be admitted into any office, civil or military, within that part of *Great Britain*, called *Scotland*, shall within three months after his admittance into any such office take and subscribe the oath hereby

All persons  
in three  
months after  
admittance  
to office to  
take the oath

appointed in the courts above mentioned respectively, according to the distinction above mentioned for persons now in office to take the same.

Courts to administer the oath, &c.

IV. And be it further enacted by the authority aforesaid, that the said respective courts shall from time to time administer the said oath to such persons as shall tender themselves to take the same, and shall keep proper rolls of parchment, in which the subscriptions of all persons taking the said oaths shall from time to time be made; to which all persons may have free access without fee or reward.

Persons refusing to take the oath, disabled.

V. And be it further enacted by the authority aforesaid, that every person hereby required to take and subscribe the oath aforesaid, and neglecting or refusing so to do, at such times, and in such manner as is above directed, shall be adjudged incapable and disabled in law, to all intents and purposes, to have or enjoy any office or offices, in respect whereof he is hereby obliged to take the said oath, and the said office or offices shall be, and are hereby adjudged to be void.

Penalty on refusing, and afterwards executing office.

VI. And be it further enacted by the authority aforesaid, that every such person and persons who shall neglect or refuse to take the said oath as aforesaid, and shall after such neglect or refusal, either personally or by deputy, execute any of the said offices, and shall be thereof lawfully convicted, shall incur such penalties, disabilities, and forfeitures, as by an act made in *England* in the thirteenth and fourteenth years of the reign of the late king *William* the third, intituled *an act for the further security of his majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*, are enacted, limited, and appointed for any officer his acting after the neglect or refusal of such officer to take the oath therein prescribed.

13 & 14 W. 3. c. 6.

Justices may summon before them suspected persons, and tender them the oath,

VII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any two justices of the peace, whereof one of them to be of the quorum, within any of the counties, ridings, divisions, stewartries, cities, or boroughs within the said kingdom of *Great Britain*, or any other person or persons who shall be by her majesty for that purpose specially appointed by order in the privy council, or by commission under the great seal, at any time or times to summon and convene before them all such persons within the limits of their respective jurisdictions, powers, and authorities, as they shall or may suspect to be dangerous or disaffected to her majesty or her government, and shall and may tender to every such person and persons the oath above mentioned and appointed, and shall at the next quarter sessions of the peace to be held for the county or place in which the said oath shall be tendered, certify the christian names, and surnames, and places of abode of all persons refusing to take the said oath, to be there recorded, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, borough, town corporate, or place within *England*, into her majesty's court of chancery or queen's bench at *Westminster*, and by the clerk of the peace of every shire, stewartry, borough or place in *Scotland*, into the court of session, there to be recorded in the register or rolls of the said respective courts; and if the person so

and certify the names of those who refuse, &c.

refusing and certified shall not within the next term or session after such refusal, appear in the court of chancery, queen's bench, or session, where such certificate shall be returned, and in open court audibly and solemnly take and subscribe the oath aforesaid, and endorse or enter his so doing upon the certificate so returned, shall be from the time of such his neglect or refusal, taken, esteemed and adjudged a popish recusant convict, and as such shall forfeit and undergo such penalties as a popish recusant convict ought to do by the laws now in force within *England*.

8 ANNE, CAP. 15.—*An act for explaining and enlarging an act of the sixth year of her majesty's reign, intituled an act for the security of her majesty's person and government.*—Whereas by an act made in the sixth year of her present majesty's reign, intituled *an act for the better security of her majesty's person and government*, it is amongst other things enacted, that all officers, civil and military, in that part of the kingdom of *Great Britain* called *Scotland*, who were obliged and required to take in *Scotland* an oath, called the oath of allegiance and assurance, before the privy council there, should be obliged, on or before the twentieth day of *April* one thousand seven hundred and eight, to take and subscribe the oath by the said act appointed, before the privy council while it should continue, and after the determination thereof before and in the court of session, or the court of judicature, or the court of exchequer there; and that all others then in any of the affairs aforesaid, who in respect thereof had used and been obliged to take the said oath of allegiance and assurance in any other court and place, should be obliged to take and subscribe the same at the next quarter sessions of the peace that should be held for any county or place in which any such officer should be resident or abiding; and that all and every person or persons whatsoever, who should after be admitted into any office, civil or military, within that part of *Great Britain* called *Scotland*, should, within three months after his admittance into any such office, be obliged to take the oath appointed by the said acts in the respective courts above mentioned, according to the distinction therein and above mentioned, for persons then in office: and whereas several persons bearing such offices, and who were likewise members of parliament, or otherwise necessarily absent, were at the time of making the said act, detained in *England*, by their service in parliament, and upon other public and important occasions, so that they were rendered incapable of repairing to the courts aforesaid, within the time in the said act directed: and whereas it may happen, that persons provided to offices in *Scotland*, may, for attending the public service, or for other important causes, be detained in *England*, and thereby cannot take the oaths in *Scotland*, within the time required by the laws: for remedy whereof, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, that if any person or persons that have been or are in any office, civil or military in *Scotland* aforesaid, shall, on or before the eight and twentieth day of *June* one thousand seven hundred and ten, take and subscribe the oath of abjuration in the afore recited act mentioned, and shall also take

Any officer either civil or military, in *Scotland*, may before 28 June 1710, take and subscribe the oath of abjuration, &c. and likewise subscribe the assurance.

and subscribe the oath of allegiance, and subscribe the assurance in the words following, viz.

**I** *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to her majesty queen *Anne*.

*So help me God.*

**I** *A. B.* do in the sincerity of my heart, assert, acknowledge, and declare, that her majesty queen *Anne* is the only lawful undoubted sovereign of this realm, as well *de jure*, that is, of right queen, as *de facto*, that is, in the possession and exercise of the government: and therefore I do sincerely and faithfully promise and engage, that I will, with heart and hand, life and goods, maintain and defend her majesty's title and government, against the pretended prince of *Wales*, and his adherents, and all other enemies, who either by open or secret attempts, shall disturb or disquiet her majesty in the possession and exercise thereof.

In any of the courts of Westminster

And that either in her majesty's courts of chancery, queen's bench, common pleas or exchequer at *Westminster*; the same shall be, to all intents, constructions, and purposes, as effectual as if such person or persons had taken the oaths by the said act appointed, within the time, and at the places therein mentioned.

Officers in Scotland to take the oaths, &c. there, within three months after admittance into their offices, in the courts, of session, &c.

**II.** And be it further enacted by the authority aforesaid, that in all time coming all and every person or persons whatsoever, who shall be admitted into any office, civil or military, within that part of *Great Britain* called *Scotland*, who by reason of such office are obliged to take the oaths before mentioned in *Scotland*, shall within three months after his admittance into any such office, take and subscribe the oaths, and subscribe the assurance aforesaid, either in her majesty's courts of session, justiciary, or exchequer in *Scotland*, or at the quarter sessions there, for the city or county where such person or persons inhabit or dwell, or in any other court where the oaths have usually been administered in *Scotland*, or in her majesty's courts of chancery, queen's bench, common pleas, or exchequer at *Westminster*.

The courts at Westminster to administer the oaths to all persons offering to take them, and to give a certificate thereof.

**III.** And be it further enacted by the authority aforesaid, that the said courts of chancery, queen's bench, common pleas, and exchequer at *Westminster*, shall, from time to time, administer to such persons as shall tender themselves to take and subscribe the aforesaid oaths, and subscribe the said assurance for offices, civil and military, and in the same manner that other oaths of the like nature have been in use to be assured; and they shall give to all and every person or persons taking the oaths as aforesaid, a certificate of their having taken the same, for which there shall be paid a sum not exceeding two shillings.

Officers in Scotland, who shall take the oaths at Westminster must transmit the certificate to the courts of session, &c. in Scotland, within three months.

**IV.** And be it further enacted, that all and every person who shall be employed in any office, civil or military, within that part of *Great Britain* called *Scotland*, and who, by virtue of this present act, takes the oaths before and in the courts of chancery, queen's bench, common pleas, or exchequer at *Westminster*, shall be obliged to transmit, within the space of three months, to the courts of session of justiciary, or exchequer in *Scotland*, or to any the principal clerks of session, the principal clerk of justiciary, or the queen's remembrancer in the court of exchequer, the certificate they shall receive

in manner above mentioned; where the said certificate shall be kept, and to which all persons shall have free access, without fee or reward.

V. Provided always, that every such person or persons who shall neglect or refuse to take and subscribe the oaths, and subscribe the assurance aforesaid, either in her majesty's court of chancery, queen's bench, common pleas, or exchequer at *Westminster*, or in the proper courts in *Scotland*, and shall after such refusal or neglect execute any office, for and in respect of which the oaths and assurance aforesaid ought to be taken and subscribed, shall incur the penalties, disabilities and forfeitures in the said act mentioned.

Persons neglecting or refusing to take the oaths, &c. shall incur the penalties in the act 6 Anne, c. 14.

VI. Provided also, that every such person or persons, who having taken and subscribed the oaths, and subscribed the assurance aforesaid, in her majesty's courts of chancery, queen's bench, common pleas, or exchequer at *Westminster*, shall, within the space of three months, neglect to transmit the certificate given by the said courts in manner above mentioned, shall forfeit his office, and also the sum of one hundred pounds, to be recovered by such person or persons as shall sue for the same, by summary process in the said court of session.

Taking the oaths, &c. and neglecting to transmit the certificate, shall forfeit his office, and £100 to any who will sue for it in the court of session.

VII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for any person or persons, that is or shall be employed in any office or offices in *Scotland* aforesaid, to take the oath *de fidelis*, or oaths for the due execution of his or their office or offices, before one of the judges of *England*; and that such oath or oaths so taken, shall to all intents, constructions and purposes, be as effectual as if such oath or oaths had been taken before any judge or judges of either of her majesty's courts in *Scotland* aforesaid, or otherwise howsoever.

Officers in *Scotland* may take the oath *de fidelis*, before one of the judges of *England*.

VIII. And whereas *Henry Newton* doctor of laws, her majesty's envoy extraordinary to the great duke of *Tuscany*, being appointed master of *Saint Catherine's* hospital near the tower of *London*, cannot return home till the time for qualifying himself, by receiving the sacrament of the Lord's supper, taking the oaths, and making the declaration and subscriptions required by law, will be expired; be it enacted by the authority aforesaid, that in case the said *Henry Newton* shall receive the sacrament of the Lord's supper within three months after his return from beyond the seas, and shall take the oaths, and make the declaration and subscriptions required by law, in one of her majesty's courts of record at *Westminster* the next term, or at the next quarter sessions held for the county of *Middlesex*, after the said three months, the same shall be good and available to the said *Henry Newton*, to all intents, constructions, and purposes whatsoever; and the said *Henry Newton* shall be deemed to have qualified himself as fully and effectually as if he had taken the said oaths, and made the said declaration and subscriptions within the precise time required by law; any law or statute to the contrary in anywise notwithstanding.

Clause for allowing Dr. Newton, envoy to the great duke of *Tuscany*, three months after his return to *England*, to take the oaths as of *Saint Catherine's* hospital.

1 GEORGE 1, STAT. 2, CAP. 13.—*An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open*



Reciting  
12 & 13 W. 3,  
c. 2.

13 & 14 W. 3,  
c. 6.

1 Anne, st. 1,  
c. 22.

4 Anne, c. 8.

12 & 13 W. 3,  
c. 2.

*and secret abettors.*—Whereas by an act made in the twelfth year of the reign of his late majesty, king *William*, of glorious and immortal memory, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*; it was enacted, that the crown and regal government of the kingdoms of *England*, *France*, and *Ireland*, and the dominions thereunto belonging, with the royal state and dignity of the said realms, and all honors, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities, to the same belonging and appertaining, after the decease of his said majesty, and of the princess *Anne* of *Denmark*, and in default of issue of the said princess *Anne* of *Denmark*, and of his said majesty respectively, should be, remain, and continue to the most excellent princess *Sophia*, electoress and duchess dowager of *Hanover*, daughter of the most excellent princess *Elizabeth*, late queen of *Bohemia*, daughter of our late sovereign lord king *James* the first, and the heirs of the body of the said princess *Sophia*, being protestants: and whereas also an act was made in *England* in the thirteenth and fourteenth years of the reign of the said king *William*, intituled *an act for the further security of his majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors*, whereby, among other things, it was provided, that all and every person and persons, mentioned in the said last recited act, should take the oath therein mentioned, and subscribe the same, in the manner, at the times and places, and under the pains and penalties therein expressed; and upon the demise of his late majesty king *William*, there was another act made in the first year of her late majesty queen *Anne*, intituled *an act to declare the alterations in the oath appointed to be taken by the act, intituled an act for the further security of his majesty's person, and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors; and for declaring the association to be determined*; and for the same end there was another act passed in the fourth year of her said late majesty queen *Anne*, intituled *an act for the better security of her majesty's person and government, and of the succession to the crown of England in the protestant line*; and whereas by the treaty of union, and second article thereof, it is provided, that the succession to the monarchy of the united kingdom of *Great Britain*, and of the dominions thereunto belonging, after her said late most sacred majesty queen *Anne*, and in default of issue of her said majesty, should be, remain, and continue to the most excellent princess *Sophia*, electoress and duchess dowager of *Hanover* and the heirs of her body, being protestants, upon whom the crown of *England* stood settled by the aforesaid act, made in *England* in the twelfth year of the reign of his late majesty king *William*; pursuant to which treaty and state of union, there were sundry acts made in the reign of her said late majesty queen *Anne*, for taking certain oaths and declarations for security of her majesty's person and government, and settling the crown in the protestant line: and whereas the said pretended prince of *Wales* hath assumed the style and title of *James* the third, king of *England*, *Scotland*, and *Ireland*,

in open defiance of the provisions made for the establishment of the title and succession of the crown by the said acts of parliament, on which said acts the safety of your majesty's royal person and government, the continuance of the monarchy of *Great Britain*, the preservation of the protestant religion, the maintenance of the churches of *England* and *Scotland*, as by law established, the security of the ancient and undoubted rights and liberties, and the future peace and tranquillity of this kingdom do (under God) entirely depend: and whereas the said pretended prince of *Wales*, since the demise of the late queen, in prejudice of your majesty's just right and title to the imperial crown of these realms, has continued to assume the said name and title of *James* the third, king of *England*, *Scotland*, and *Ireland*, in manifest violation of your majesty's most lawful and rightful title to the crown, and of the acts and treaty above mentioned, made for settling, and further security of the same, and for extinguishing the hopes of him the said pretender, and of all other pretenders, and their open and secret abettors: and whereas also several wicked and evil-minded persons have, even since your majesty's happy accession to the throne, in riotous, seditious, and treasonable manner, taken upon them to give to the said pretended prince of *Wales* the aforesaid name and title: to the intent therefore the said acts may be for ever inviolably preserved, and that all future questions and divisions, by reason of any pretended titles to the crown, may be prevented, we your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons, in this present parliament assembled, do humbly beseech your most excellent majesty, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by authority of the same, that all and every person and persons, as well peers as commoners, that shall bear any office or offices, civil or military, or shall receive any pay, salary, fee, or wages, by reason of any patent or grant from his majesty, or shall have command or place of trust from or under his majesty, or from any of his majesty's predecessors, or by his, her, or their authority, or by authority derived from him, her, or them, within *Great Britain*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or shall be of the household, or in the service or employment of his majesty, or of his royal highness *George* prince of *Wales*, or her royal highness the princess of *Wales*, or their issue, and all ecclesiastical persons, heads or governors, of what denomination soever, and all other members of colleges and halls in any university, that are or shall be of the foundation, or that do or shall enjoy any exhibition, (being of the age of eighteen years) and all persons teaching or reading to pupils in any university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, all constables, and every person that shall act as a serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, writer in *Scotland*, proctor, clerk, or notary, by practising in any manner as such in any court whatsoever, who shall inhabit, reside, or be within the cities of *London* or *Westminster*, or within thirty miles distant

All officers civil or military, &c.

in Great Britain, &c.

all ecclesiastical persons, &c.

all schoolmasters, &c. all serjeants at law, &c. residing within thirty miles of London, shall take the following oaths in one of the

courts at  
Westminster  
The time is  
enlarged by  
1 Geo. 2, st. 2,  
c. 23.

from the same, on the first day of *Michaelmas* term next, at any time during the said term, shall personally appear before the end of the said term in his majesty's court of chancery, king's bench, common pleas or exchequer, and there, in public and open court, between the hours of nine of the clock and twelve in the forenoon, take the oaths hereinafter mentioned; that is to say,

The oaths.

**I** *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance, to his majesty king *George*.

*So help me God.*

**I** *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of *Rome*, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state or potentate hath, or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

*So help me God.*

**I** *A. B.* do truly and sincerely acknowledge, profess, testify and declare in my conscience, before God, and the world, that our sovereign lord king *George* is lawful and rightful king of this realm, and all other his majesty's dominions and countries thereto belonging. And I do solemnly and sincerely declare, that I do believe in my conscience, that the person pretended to be prince of *Wales*, during the life of the late king *James*, and since his decease, pretending to be, and taking upon himself the style and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereto belonging; and I do renounce, refuse, and abjure any allegiance or obedience to him. And I do swear, that I will bear faith and true allegiance to his majesty king *George*, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown or dignity. And I will do my utmost endeavour to disclose and make known to his majesty, and his successors, all treasons and traitorous conspiracies which I shall know to be against him, or any of them. And I do faithfully promise, to the utmost of my power to support, maintain and defend the succession of the crown against him the said *James*, and all other persons whatsoever, which succession by an act, intitled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia*, electress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation and promise heartily, willingly and truly, upon the true faith of a christian.

*So help me God.*

19 & 13 W. 3,  
c. 2.

Unto which oaths so taken, every such person so taking the same, shall subscribe his name, or if he cannot write, shall make his mark, and during the time of taking the said oaths, all pleas and proceedings in the said respective courts shall cease; and all and every the said respective persons and officers, not having taken the said oaths, and subscribed the same, as aforesaid, shall on or before the twenty-third day of *January* next, at the general or quarter sessions for that county, riding, liberty, city, borough, town corporate or place, where he or they shall be, inhabit or reside on the first day of *December* next, take the said oaths in open court, between the said hours of nine and twelve of the clock in the forenoon, and subscribe his name, or if he cannot write, make his mark under the same.

And subscribe the same.

Or in the quarter sessions for the county, &c. where they reside.

II. And be it further enacted by the authority aforesaid, that all and every person and persons that shall be admitted, entered, placed or taken, into any office or offices, civil or military, or shall receive, any pay, salary, fee or wages, by reason of any patent or grant from his majesty, or shall have command or place of trust from or under his majesty, or by his authority, or by authority derived from him, within that part of *Great Britain* called *England*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service or employment in his majesty's household or family, or of his royal highness *George* prince of *Wales*, or of her royal highness the princess of *Wales*, or their issue, and all ecclesiastical persons, heads or governors, of what denomination soever, and all other members of colleges and halls in any university, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching or reading to pupils in any university, or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, high or chief constables, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever, within that part of *Great Britain*, called *England*, who shall, at any time after the tenth day of *August* one thousand seven hundred and fifteen, be admitted into, or enter upon any of the before mentioned preferments, benefices, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment, or business, as aforesaid, shall within three months after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into such capacity, or take upon him or them such practice, employment, or business, as aforesaid, take and subscribe the same oaths in one of the said courts at *Westminster*, or at the general quarter sessions of the county, city, or place, where he or they shall reside.

All persons who before 10th of Aug. 1715, shall be admitted into any office, &c. shall within three months take the same oath at Westminster or sessions of the county where they reside.

Repealed by 2 Geo. 2, c. 31, s. 3, and further provisions relating hereto, 9 Geo. 2, c. 26.

III. And be it further enacted by the authority aforesaid, that all and every person or persons, as well peers as commoners, who by virtue of any act or acts made since the union of the two kingdoms, were bound to take and subscribe the oath of allegiance, subscribe the assurance, and to take and sign the oath of abjuration, for or on

Persons in Scotland to take the said oath before Dec. 1. 1715, and subscribe the assurance following.

Ministers of  
the church of  
Scotland  
favored in  
relation to  
this oath, by  
5 Geo. 1. c. 20,  
s. 6.

account of any office, civil or military, or any other cause or occasion, within *Scotland*, shall on or before the first day of *December* one thousand seven hundred and fifteen, take and subscribe the oath of abjuration above mentioned, and shall take and subscribe the said oath of allegiance, and subscribe the assurance in the words following, *videlicet*.

**I** *A. B.* do sincerely promise and swear, that I will be faithful, and bear true allegiance to his majesty king *George*.

*So help me God.*

The assurance.

**I** *A. B.* do, in the sincerity of my heart, assert, acknowledge and declare, that his majesty king *George* is the only lawful and undoubted sovereign of this realm, as well *de jure*, that is, of right, king, as *de facto*, that is, in the possession and exercise of the government; and therefore I do sincerely and faithfully promise and engage, that I will with heart and hand, life and goods, maintain and defend his majesty's title and government, against the person pretended to be the prince of *Wales*, during the life of the late king *James*, and since his decease, pretending to be, and taking upon himself the style and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, and his adherents, and all other enemies, who either by open or secret attempts, shall disturb or disquiet his majesty in the possession and exercise thereof.

And that in such courts, and within such times limited, before such judges, in such manner, and to be certified as in and by the several acts generally above mentioned is directed.

IV. And whereas certain doubts and scruples have arisen concerning the sense and meaning of the clause following, contained in an act made in the sixth year of her late majesty queen *Anne*, intituled *an act to make further provision for electing and summoning sixteen peers of Scotland, to sit in the house of peers in the parliament of Great Britain; and for trying peers for offences committed in Scotland; and for the further regulating of voters in elections of members to serve in parliament*; whereby it is enacted, that every person who shall refuse to take the oath last therein before recited, or being a *Quaker*, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty king *William*, intituled *an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form*, (which oath or declaration, the sheriff, president of the meeting, or chief officer taking the poll at any election of members to serve in the house of commons for any place in *Great Britain*, or commissioners for choosing burghesses for any place in *Scotland*, at the request of any candidate, or other person present at such election, are hereby empowered and required to administer) shall not be capable of giving any vote for the election of any such member to serve in the house of commons for any place in *Great Britain*, or commissioners to choose a burghess for any place in *Scotland*; on account of which words, some have pretended to vote in the meetings of free elections in *Scotland*, at the choosing of the president and clerk of the meeting, without taking the oath mentioned in the last recited act, whereby it has

6 Anne, c. 23.

7 & 8 W. 3,  
c. 34.

happened that rolls of electors have been unduly made up, and wrong returns made: and also whereas divers of his majesty's good subjects, who have given convincing marks of their loyalty to his royal person and government, have scrupled to take the said oath, apprehending that the reference in the said oath may be construed in some respects to be inconsistent with the establishment of the church in *Scotland* according to law, and to a clause concerning oaths to be imposed in *Scotland* after the union, contained in the act made in the parliament of *Scotland* in the year one thousand seven hundred and seven, intituled *an act for securing the protestant religion, and presbyterian church government*; which act is declared to be a fundamental and essential condition of the treaty of union; to the end therefore that the said scruples, and all mistakes and divisions on account of the same may cease, be it further enacted and declared by the authority aforesaid, that every person who shall refuse to take the said aforesaid oath of abjuration, or being a *Quaker*, shall refuse to declare the effect thereof upon his solemn affirmation, in manner aforesaid (which oath and declaration the member last elected\* for any county, or stewartry in *Scotland*, or in his absence the sheriff or steward's clerk, until a person be chosen to proceed\* in the said meeting, according to the directions contained in the twenty-first act of the third parliament of king *Charles* the second, held in *Scotland*, intituled *act concerning the election of commissioners for shires*, and after such choice the person so chosen to proceed, or any person chosen to proceed in any meeting of any county or stewartry there, in which rolls for elections shall happen to be made up, is hereby authorised and required to administer, at the request of any candidate or other person present at such meeting for election, before or after the choosing of the president of the meeting, or making up of the rolls) shall not be capable of giving any vote for the election of a president of the meeting, making up of the rolls, or of any member to serve in the house of commons for any place in *Scotland*, or commissioner to choose a burgess for any place there; and further, that by no words in the said oath or oaths, formerly imposed, contained, it is or was meant to oblige his majesty's said subjects to any act or acts any ways inconsistent with the establishment of the church of *Scotland*, according to law.

Persons in Scotland refusing to take the abjuration, incapacitated to vote at elections.  
\* Examined with the record.

V. And be it also further enacted by the authority aforesaid, that all heads, masters, and members of colleges, halls, or classes in the universities of *Saint Andrew*, *Glasgow*, *Aberdeen*, and *Edinburgh*, and also all probationers or licentiates of divinity, before they enter upon their trials, or obtain licences to preach, and all schoolmasters in *Scotland*, shall take and subscribe the aforesaid oaths, and subscribe the aforesaid assurance appointed to be taken for offices, civil and military, and other causes in *Scotland*, before such judges, and obtain such certificates, as in and by this act, or the acts whereunto relation is hereby had, directed.

Heads, &c. of colleges, &c. in Scotland, to take the oaths.

VI. Provided, that nothing in this act contained shall extend to any person now beyond the seas, who by virtue of this act ought to take the said oaths, so as such person do, within three months after his return to *Great Britain*, take the said oaths, and subscribe thereunto according to the appointment of this act.

Notto extend to persons beyond sea, who take the oaths in three months after they return.

Penalty of refusing the oaths.

VII. And be it further enacted by the authority aforesaid, that all and every the person and persons aforesaid, that do or shall neglect or refuse to take the said oaths, and subscribe thereto, as aforesaid, in the said courts and places, and at the respective times aforesaid, shall be *ipso facto* adjudged incapable, and disabled in law, to all intents and purposes whatsoever, to have, occupy and enjoy the said office or offices, employment or employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such office or place, employment or employments, shall be void, and is hereby adjudged void.

Penalty of acting as officers, &c. not having taken the oaths.

VIII. And be it further enacted, that all and every such person and persons who shall neglect and refuse to take the said oaths, within the times, and at the places aforesaid, and yet after such neglect or refusal shall, by himself or themselves, his or their deputy, or trustee, execute any of the said offices or employments after the said time is expired, wherein he or they ought to have taken the said oaths according to the true intent and meaning of this act, and being thereof lawfully convicted in or upon any information, presentment or indictment, in any of the king's courts at *Westminster*, or at the assizes, upon prosecution before the court of justiciary, or circuits in *Scotland*, every such person or persons shall be disabled from thenceforth to sue or use any action, bill, plaint, or information in any court of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or capable of any legacy, or deed of gift, or to be in any office within this realm of *Great Britain*, or to vote at any election for members to serve in parliament, and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by any action of debt, suit, bill, plaint, or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie, or any more than one imparlance, and by way of summary complaint before the court of sessions, or prosecution before the court of justiciary in *Scotland*.

Persons taking the oaths to pay two shillings and a register to be kept to enter their names.

IX. And be it further enacted, that it shall and may be lawful, to and for the respective courts aforesaid, to give and administer the oaths aforesaid, to the person and persons aforesaid, and upon due tender of any person or persons to take the said oaths, the said courts are hereby required and enjoined to administer the same; for the taking and subscribing the said oaths the proper officer shall have, take and receive of every person, so taking and subscribing the said oaths, the sum of two shillings, and no more; of the taking and subscribing whereof a register shall be kept in a book to be provided for that purpose, by the proper officer, where the names of all such persons, who shall take and subscribe the said oaths, shall be fairly written, and when they took and subscribed the same, to which said register any person may resort, and inspect the same without fee or reward.

Two justices, &c. may tender the oath to suspected persons.

X. And be it further enacted, that it shall and may be lawful to and for two or more justices of peace, or any other person or persons who shall be by his majesty for that purpose specially appointed, by

order in the privy council, or by commission under the great seal, to administer and tender the oaths hereinbefore appointed to be taken, to any person or persons whatsoever, whom they shall or may suspect to be dangerous or disaffected to his majesty or his government; and if any person or persons to whom the said oaths shall be so tendered, shall neglect or refuse to take the same, such justices, or any other person or persons specially to be appointed, as aforesaid, tendering the said oaths, shall certify the refusal thereof to the next quarter sessions of the county, riding, liberty, city, borough, town corporate or place in which such refusal shall be made; and the said refusal shall be recorded amongst the rolls of that sessions, and shall be from thence certified by the clerk of the peace of such county, riding, liberty, city, borough, town corporate or place, into his majesty's court of chancery or king's bench, court of sessions, or court of judicature in *Scotland*, there to be recorded amongst the rolls of the said courts, in a roll or rolls there to be provided and kept for that purpose only, and that every person so neglecting or refusing to take the said oaths, shall be from the time of his neglect or refusal, taken, esteemed and adjudged a popish recusant convict, and as such to forfeit and be proceeded against.

and certify the refusal to the next sessions,

to be thence certified in the chancery &c. and persons refusing to be adjudged popish recusants convict.

XI. And to the intent and purpose, that no person may avoid taking the several oaths in this act particularly mentioned, upon any pretence whatsoever; be it further enacted by the authority aforesaid, that it shall and may be lawful unto and for two or more justices of the peace, or any other such person or persons, who shall be by his majesty for that purpose specially appointed, by order in the privy council, or by commission under the great seal, by writing under their hands and seals, to summon any person to appear before them at a certain day and time therein to be appointed, to take the said oaths, which said summons shall be served upon such person, or left at his dwellinghouse, or usual place of abode, with one of the family there; and if such person who shall be so summoned, neglects or refuses to appear according to such summons, that then upon due proof to be made upon oath of the serving the said summons, which oath such justices, or any other person or persons specially to be appointed as aforesaid, are hereby enabled to administer, such justices, or any other person or persons, specially to be appointed, as aforesaid, are hereby required to certify the same to the next general quarter sessions of the peace to be holden for such county, riding, liberty, city, borough, town corporate or place, there to be entered upon the rolls of the said sessions; and if such person who shall be so summoned to take the said oaths, as aforesaid, shall neglect or refuse to appear and take the said oaths at the said general quarter sessions, the names of the persons so certified being publicly read at the first meeting of the said sessions, that then and in such case such person shall be taken, esteemed, and adjudged a popish recusant convict, and as such, to forfeit and be proceeded against as if such person had actually refused to take the said oaths; and the same shall be from thence certified by the clerk of the peace of such county, riding, liberty, city, borough, town corporate, or place, into his majesty's high court of chancery or king's bench, court of session, or court of judicature in *Scotland*,

Punishment of persons summoned by justices, and refusing to appear and take the oaths.



there to be recorded amongst the rolls of the said courts, in a roll or rolls there to be provided and kept for that purpose only.

Heads, &c. of colleges, &c. in Oxford and Cambridge, not taking the oaths, and the person in whom the right of election is, not electing some proper person the king may in his place nominate, &c.

XII. And be it further enacted by the authority aforesaid, that if any head or member of any college or hall within either of the universities of *Oxford* or *Cambridge*, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of (or as soon as he shall attain) the age of eighteen years, shall neglect or refuse to take and subscribe the several oaths in this act mentioned, according to the true intent and meaning of this act, or to produce a certificate thereof, under the hand of some proper officer of the respective court, and cause the same to be entered in the register of such college or hall within one month after his having taken and subscribed the said oaths; and if the persons in whom the right of election of such head or member shall be, do neglect or refuse to elect some other fitting or proper person, in the place or stead of such head or member so neglecting and refusing to take and subscribe the said oaths, as aforesaid, by the space of twelve months after such neglect or refusal, that then, and from thenceforth, it shall and may be lawful unto and for the king's most excellent majesty, his heirs and successors, under the great seal or sign manual, to nominate and appoint some fitting person, qualified according to the local statutes of such college or hall, to succeed to the place of such person who shall neglect or refuse to take and subscribe the said oaths; and that every person so to be nominated and appointed, shall have and enjoy such place, to which he shall be nominated and appointed, as aforesaid, to all intents and purposes whatsoever, and all benefits, privileges and advantages to the same belonging and appertaining, as if such person had been elected and chosen by the proper electors of such college or hall.

The king's bench may issue a mandamus to compel the admission of a person so named.

XIII. And be it further enacted by the authority aforesaid, that if the head of any college or hall in either of the universities, or other person or persons lawfully authorized to admit, shall refuse or neglect to admit such persons so nominated and appointed under the great seal or sign manual, as aforesaid, by the space of ten days after such admission shall be demanded of him or them, who ought to make such admission, to such place as he shall be nominated to, as aforesaid, that then and in such case the local visitor or visitors of such college or hall is hereby authorized and required to admit and place such person so nominated and appointed, to such place as he shall be nominated to, as aforesaid, within the space of one month after the same shall be demanded of such visitor; and in case such visitor shall neglect or refuse to admit, as aforesaid, during the space of one month after the same is lawfully demanded of such visitor, that then it shall and may be lawful to and for the court of king's bench at *Westminster*, to issue out a writ of *mandamus* to be directed to such visitor or visitors, to admit such person to such place, and to proceed upon the said writ, according to the course of the said court in such cases.

Officer having forfeited may have his office again on taking the oaths.

XIV. Provided always, that any person who by any neglect or refusal according to this act, shall lose or forfeit any office, may be capable of a new grant of the said office, or of any other, and have and hold the same again, such person taking the said oaths in such

manner as aforesaid, so as such office be not granted to, or actually enjoyed by some person at the time of re-granting thereof.

XV. Provided also, that nothing herein contained shall be construed to extend to any person in his majesty's service on board the fleet, or to any person whatsoever who shall go beyond the seas before the first day of *November* next, so as such person take the said oaths, and subscribe thereunto, as aforesaid, according to the appointment of this act, within three months after his return.

This act shall not extend to persons beyond sea who shall take the oaths in three months after their return.

XVI. And be it further enacted by the authority aforesaid, that from and after the twenty-ninth day of *September* in the year of our Lord one thousand seven hundred and fifteen, no person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, shall vote, or make his proxy in the house of peers, or sit there, during any debate in the said house of peers; nor any person that now is, or hereafter shall be a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons, after their speaker is chosen; until such peer or member shall, from time to time respectively take the abjuration oath aforesaid, instead of the oath of abjuration which before by law ought to have been taken, in such manner, and together with such other oaths, and declaration against transubstantiation, as the said former oath of abjuration ought to have been taken.

After Sept. 29, 1715, no member of either house of parliament shall be capable of voting, &c. till he has taken the abjuration.

XVII. And be it further enacted, that if any person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, in this or any succeeding parliament, and after the said twenty-ninth day of *September* presume to vote, or make his proxy, not having taken the said oath, and subscribed the same, as aforesaid, every such peer or member so offending shall be disabled to sue, or use any action, bill, plaint, or information in any court of law, or to prosecute any suit in any court of equity, or to be guardian of any child, or executor or administrator of any person, or be capable of any legacy or deed of gift, or to be in any office within this realm of *Great Britain*, or to vote at any election for members to serve in parliament, and shall forfeit the sum of five hundred pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by action of debt, suit, bill, plaint, or information, in any of his majesty's courts at *Westminster*, wherein no essoin, protection, or wager of law shall lie, or any more than one imparlance, and by way of summary complaint before the court of sessions, or prosecution before the court of judicature in *Scotland*.

Punishment of members presuming to vote, &c.

XVIII. Provided, that neither this act, nor any thing therein contained, shall extend, be judged, or interpreted to take away or make void any office of inheritance, so as such person or persons having an office of inheritance, do or shall substitute and appoint his or their deputy or deputies, and such deputy or deputies shall qualify him or themselves, according to a proviso in the act made in the five and twentieth year of the reign of king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, and so as such deputy or deputies do likewise take and subscribe the oaths in and by this present act required and expressed,

This act not to extend to offices of inheritance, if a deputy be substituted who shall qualify himself, &c.

25 Car. 2, c. 2.

and so as such deputy or deputies be, from time to time, approved of by the king's majesty under his privy signet.

Such offices in Scotland not forfeitable, but according to the laws there. This act not to extend to the office of any tithing-man, &c.

XIX. Provided that no office of inheritance in *Scotland* shall be forfeitable otherwise than according to the laws now in force there.

XX. Provided always, that this act, or any thing therein contained, shall not extend to the office of any tithingman, headborough, overseer of the poor, churchwardens, surveyors of the highways, or any like inferior civil office, or to any office of forester, or keeper of any park, chase, warren, or game, or bailiff of any manor or lands, nor to any like private offices, nor to any person or persons having only any the before mentioned or the like offices, for or upon account of such offices only.

Nor to any who have taken the oaths since his majesty's accession, except on account of some new office.

XXI. Provided always, that this act, or any thing therein contained, shall not extend to any person who hath since his majesty's happy accession to the throne, taken the oaths of allegiance and supremacy, and the abjuration oath, in any of the said courts at *Westminster*, or at the general quarter sessions of the peace, or in either houses of parliament, unless by reason of such person's having some new office or employment, or his coming hereafter under some of the qualifications which require the taking the oaths before mentioned, by virtue of this act, or any other law now in being.

Persons obliged by any law to receive the sacrament, &c. shall continue obliged.

XXII. Provided always, and be it declared and enacted, that all persons whatsoever, who by virtue of any law now in being are or would be obliged, if this act was not had or made, to receive the sacrament according to the usage of the church of *England*, and to make and subscribe the declaration against transubstantiation or either of them, on any occasion whatsoever, shall continue obliged, in all such cases, to receive the said sacrament, and make and subscribe the said declaration, together with the oaths appointed by this act, in such manner, and under such penalties in case of neglect, as is required by any former law.

Persons taking the oaths, &c. before Dec. 1, indemnified from all penalties, &c.

XXIII. Provided always, and be it enacted by the authority aforesaid, that all and every person or persons, who shall, on or before the first day of *December* next, take and subscribe the oaths in such manner as is appointed in this act, and also receive the sacrament of the Lord's supper according to the usage of the church of *England*, and make and subscribe the declaration against transubstantiation, in those cases where the sacrament ought to have been received, and the said declaration ought to have been made and subscribed, and has been neglected, shall be and are hereby indemnified from and against all penalties, forfeitures, incapacities, and disabilities incurred by any former neglect or omission of taking or subscribing the oaths, or receiving the sacrament, or subscribing the aforesaid declaration, according to any former act or acts concerning persons in offices or places of trust, and is, are and shall be fully and actually recapacitated and restored to the same state and condition as before such neglect or omission.

Likewise all who have taken the oaths, since his majesty's accession.

XXIV. Provided also, that all and every person who has, at any time since his majesty's happy accession to the crown, taken the oaths, and taken and subscribed the abjuration, and also subscribed the declaration, and received the sacrament, in such cases where the

sacrament ought to have been received, and the said declaration ought to have been subscribed, according to any act or acts concerning persons in offices or places of trust, shall likewise be, and are hereby indemnified, as aforesaid, though the same has not been within the time appointed by law.

XXV. Provided always, that no person or persons, who by reason of any such neglect or omission hath or have left or forfeited any office, benefice, place, dignity, or employment whatsoever, to which any other person or persons hath or have been preferred or promoted, shall be restored to such office, benefice, place, dignity, or employment; any thing herein contained to the contrary notwithstanding.

No person who has forfeited any office, &c. shall be restored if another be promoted.

XXVI. Provided always, that any person or persons who shall become popish recusants convict, by virtue of any thing in this act contained, and shall at any time thereafter take and subscribe the oaths, and make and subscribe the declaration, and subscribe the assurance, in such manner, and in such place, as is appointed by this act, shall be and are hereby, from such time discharged from such conviction.

Popish recusants convict by this act, shall be discharged on taking the oaths.

XXVII. Provided always, that the oath of abjuration, and the assurance in this act contained, shall in all cases be taken to be in lieu of the oath of abjuration, and the assurance formerly appointed.

This abjuration to be taken in lieu of the former

XXVIII. And whereas in and by an act of parliament made in the last sessions of parliament, and in the first year of his majesty's reign, intituled *an act for the better support of his majesty's household, and of the honour and dignity of the crown of Great Britain*, it is enacted, that the lord high treasurer of *Great Britain*, or commissioners of the treasury for the time being, should, and are thereby authorised and required, out of any monies granted or to be granted by parliament, for the use of the public, forthwith to issue and pay the sum of one hundred thousand pounds to any person or persons, who should seize and secure the person of the pretender, whenever he should land, or attempt to land in any of his majesty's dominions; to the end that the encouragement and reward for a service so important, may be rendered sure and effectual; be it enacted by the authority aforesaid, that the lord high treasurer of *Great Britain*, or the commissioners of the treasury for the time being, shall and are hereby authorised and required, out of any monies granted or to be granted by parliament, to the use of the public, forthwith to issue the sum of one hundred thousand pounds to any person or persons, being natives or foreigners, who shall seize or secure, alive or dead, the person of the pretender, whenever he shall land or attempt to land in *Great Britain* or *Ireland*, or any other his majesty's dominions; and if any of the persons who have adhered to, or assisted, or who shall adhere to, or assist the said pretender, shall seize and secure him, as aforesaid, he or they who shall so seize and secure him, shall have his majesty's gracious general pardon, and shall also receive the said reward, to be paid in manner aforesaid.

Reward for taking the pretender. 1 Geo. 1, st. 1, c. 1.

XXIX. And be it further enacted, that in case any person or persons, natives or foreigners, shall happen to be killed in seizing or securing, alive or dead, the person of the said pretender, as aforesaid, that then their executors or administrators, or such person or persons, to whom the right of administration of the personal estate of each

To go to the executors, &c. of persons killed in taking him.

person so killed shall belong, shall have and receive respectively, the same share and proportion of the said one hundred thousand pounds, as their several and respective testators or intestates would have been entitled unto had they been living.

The king may by commission empower persons to administer the oaths to officers, seamen, &c. whose names shall be registered and returned into the petty bag office before Feb. 13, 1715.

XXX. And it is further enacted, that it shall and may be lawful for his majesty to grant a commission or commissions, under the great seal of *Great Britain*, to such person or persons as to him shall seem meet, to empower him or them to administer the oaths of allegiance and supremacy, and of abjuration, in this act mentioned, to all and every officer and officers in his majesty's service, either by sea or land, and all and every seaman and seamen, and private soldiers; and such sea and land officers, and seamen and soldiers, are hereby enjoined and required to take the same, upon the pains and penalties in this act mentioned in case of refusal thereof; and that upon taking the said oaths such officer and officers, seamen and soldiers, do subscribe the same upon a roll to be kept by the person or persons who shall administer the same, which roll such person as hath or shall have the keeping thereof shall, on or before the twelfth day of *February* one thousand seven hundred and fifteen, deliver into the office of the petty bag in the court of chancery, there to be kept upon record.

No seaman, &c. to pay any fee.

XXXI. Provided always, that no seaman or soldier, under the degree of a commission or warrant officer, shall be obliged to pay any fee or reward on taking the said oaths.

Notto extend to the office of lord great chamberlain.

XXXII. Provided always, that nothing in this act contained shall extend to the office of the lord great chamberlain of *England*, so as the lord great chamberlain for the time being do or shall substitute and appoint his sufficient deputy, who shall have taken the oaths aforesaid; any thing in this act to the contrary notwithstanding.

The same abjuration to be taken in Ireland after Sept. 29, 1715.

XXXIII. And be it further enacted by the authority aforesaid, that from and after the nine and twentieth day of *September* one thousand seven hundred and fifteen, the same oath of abjuration by this act appointed to be taken in *Great Britain*, shall be the oath of abjuration to be taken in the kingdom of *Ireland*, and no other; and that the indemnities above mentioned be and are hereby extended to the said kingdom of *Ireland*.

5 GEORGE 1, CAP. 29, SEC. 6.—*An act for making more effectual the laws appointing the oaths for security of the government to be taken by ministers and preachers in churches and meeting houses in Scotland.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 444.

1 GEORGE 2, STAT 2, CAP. 23.—*An act for indemnifying persons who have omitted to qualify themselves for offices and employments within the time limited by law, and for allowing further time for that purpose; and for repealing so much of two acts of parliament therein mentioned as requires persons to qualify themselves to continue in offices or employments for the space of six months, after the demise of his majesty, his heirs or successors.*

Persons who have omitted to qualify themselves, taking the oaths, &c. before twenty-eighth *November*, seventeen hundred and twenty-eight, indemnified. Persons who have qualified themselves since eleventh *June*, seventeen hundred and twenty-seven, also indem-

nified. Not to extend to offices actually avoided or filled up. Officers in *Scotland* taking the oaths at *Westminster*, to transmit within three months a certificate thereof to *Scotland*. Justices at the late king's demise, and commissioned since eleventh *June*, seventeen hundred and twenty-seven, to qualify themselves before twenty-eighth *November*, seventeen hundred and twenty-eight. Justices at the late king's demise, and commissioned by his present majesty before thirteenth *February*, seventeen hundred and twenty-seven, and since eleventh *June*, seventeen hundred and twenty-seven, having qualified themselves, not obliged to qualify again. EXP.

VII. And whereas by an act of parliament made in the fourth year of the reign of her late majesty queen *Anne*, intituled *an act for the better security of her majesty's person and government, and of the succession to the crown of England in the protestant line*, and also by another act made in the sixth year of her said late majesty's reign, intituled *an act for the security of her majesty's person and government, and of the succession to the crown of Great Britain in the protestant line*, all officers thereby continued for the space of six months after the demise of her said late majesty, her heirs or successors, unless sooner removed or discharged by the next in succession, are obliged to take the oaths therein mentioned, and to do all other acts requisite by the laws and statutes of this realm, to qualify themselves to be and continue in such their respective places, offices and employments, within such time and in such manner, and under such pains, penalties and disabilities, as they should or ought to do, had they been newly elected, appointed, constituted and put into such offices, places or employments in the usual and ordinary way: and whereas so much of the said acts as relates to the taking the oath of office, was repealed by an act of the last session of parliament, intituled *an act for making further provisions to enable persons possessed of offices at the demise of his late majesty to qualify themselves for the enjoyment of such offices, and for altering and explaining the acts of parliament therein mentioned, in relation to qualifying persons for continuing in offices, and to the continuance of the sheriffs of the county of Cornwall and county palatine of Chester, and several other officers therein mentioned, after the demise of his late majesty, his heirs and successors; and for continuing such laws as would expire at the end of this session of parliament*: and whereas the obligation to take the other oaths, and to do the acts by the said statutes required, to qualify persons to continue in their respective offices as aforesaid, hath occasioned many inconveniences; be it therefore enacted by the authority aforesaid, that so much of the said acts as requires any person or persons to take the said oaths therein mentioned, or to do any other act requisite by the laws and statutes of this realm to qualify himself or themselves as aforesaid, in respect to his or their being continued in any office, place or employment for the space of six months as aforesaid, shall be and is hereby absolutely repealed.

2 GEORGE 2, CAP. 31.—*An act for indemnifying persons who have omitted to qualify themselves for offices or employments within the time limited by law, and for allowing further time for that purpose; and for repealing so much of an act of parliament passed in the first year of his*

Part of the  
act 4 Anne,  
c. 8.

6 Anne, c. 7,  
repealed.

1 Geo. 2, st. 1,  
c. 5.

late majesty king George the first, as requires persons to qualify themselves for offices or employments within three months, and for limiting other times for such qualifications; as also for the repeal of so much of an act passed 30 Car. 2, as relates to the sworn servants of the king or queen's majesty.—For quieting the minds of his majesty's subjects, and preventing the inconveniences that might otherwise happen to divers persons, who on account of their offices, places, employments or professions, or any other cause, ought to have taken and subscribed the oaths appointed to be taken by such persons, in and by an act made in the first year of the reign of his late majesty king George the first, of glorious memory, intituled an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, or to have qualified themselves according to an act made in the twenty-fifth year of the reign of king Charles the second, intituled an act for preventing dangers which may happen from popish recusants, by receiving the sacrament of the Lord's supper, according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned, which said persons have, through the shortness of the time allowed for that purpose, or some accident, omitted to take and subscribe the said oaths, or otherwise to qualify themselves as aforesaid, within such time, and in such manner as in and by the said acts respectively, or by any other act of parliament, in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person and persons who shall, on or before the twenty-eighth day of November in the year of our Lord one thousand seven hundred and twenty-nine, take and subscribe the oaths appointed by an act made in the first year of his late majesty king George the first, intituled an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors, in such cases wherein by law the said oaths ought to have been taken and subscribed, in such manner and form, and at such place and places, as are in and by the said act directed, and also receive the sacrament of the Lord's supper according to the usage of the church of England, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, shall be and hereby are indemnified, freed and discharged of, from and against all penalties, forfeitures, incapacities and disabilities, incurred for or by reason of any former neglect or omission of taking or subscribing the said oaths, or receiving the said sacrament, or making and subscribing the said declaration respectively, according to the above mentioned acts, or either of them, or any other act or acts concerning persons in offices or places of trust, and

1 Geo. 1, st. 2,  
c. 13.

25 Car. 2, c. 2.

Persons  
before 28  
Nov. 1729,  
qualifying  
themselves  
according  
to the act  
1 Geo. 1, st. 2,  
c. 13,

Indemnified  
from all  
former omis-  
sions.

is, are and shall be fully and actually recapacitated and restored to the same state and condition, as such person and persons were in before such neglect or omission, and shall be hereby deemed and adjudged to have duly qualified him, her or themselves according to the above mentioned acts, and every of them, and that all acts done or to be done, by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity, as the same, or any of them, would have been, if such person or persons had taken and subscribed the said oaths, and received the sacrament of the Lord's supper, and made and subscribed the said declaration, according to the direction of the said acts, and every of them; and that such persons qualifying themselves in the manner, and within the time appointed by this act, shall be to all intents and purposes as effectual, as if such person or persons had taken and subscribed the said oaths, and received the said sacrament, and made and subscribed the said declaration, within the time and in the manner appointed by the several acts before mentioned; any law or statute whatsoever to the contrary in any wise notwithstanding.

II. Provided always, that this act, or any thing herein contained, shall not extend or be construed to extend, to restore or entitle any person or persons to any office or employment, benefice, matter or thing whatsoever, already actually avoided by judgment of any of his majesty's courts of record, or already filled up, and enjoyed by another person; but such office, employment, benefice, matter or thing so avoided, or filled up and enjoyed as aforesaid, shall be and remain in and to the person or persons, who is or are now entitled to the same, as if this act had never been made.

Offices already avoided not to be restored.

III. And whereas the obligation to take and subscribe the oaths appointed to be taken and subscribed by persons on account of their offices, places, employments or professions, or any other cause in and by the said act made in the first year of the reign of his late majesty king *George the first*, is found inconvenient, by reason the time for taking and subscribing the said oaths is limited to three months after any person's admittance to, or entry upon, any preferment, benefice, office, place, employment or profession, in the said act mentioned: be it therefore enacted by the authority aforesaid, that so much of the said act, as requires any person or persons to take and subscribe the said oaths therein mentioned, within three months after he or they shall be admitted into, or enter upon such preferment, benefice, office or place, or come into such capacity, or take upon him or them such practice, employment or business, as therein is mentioned, shall be and is by this act absolutely repealed.

Part of the act 1 Geo. 1, st. 2, c. 15, requiring the oaths, &c. to be taken in three months repealed.

IV. And be it further enacted by the authority aforesaid, that all and every person and persons that shall be admitted, entered, placed or taken into any office or offices, civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his majesty, his heirs or successors, or shall have command or place of trust, from or under his majesty, his heirs or successors, or by his authority, or by authority derived from him or them, within that part of *Great Britain* called *England*, or in his majesty's navy, or in the several islands of *Jersey* and *Guernsey*, or that shall be admitted into any service, office or employment, in the household or family of

The time limited for such qualification.



his majesty, or her majesty, or of his royal highness *Frederick* prince of *Wales*, or any other of his majesty's issue, and all ecclesiastical persons, heads, or governors, of what denomination soever, and all other members of colleges and halls within either of the universities of *Oxford* or *Cambridge*, that are or shall be of the foundation, or that do or shall enjoy any exhibition, being of, or as soon as they shall attain the age of eighteen years, and all persons teaching or reading to pupils, in either of the aforesaid universities or elsewhere, and all schoolmasters and ushers, and all preachers and teachers of separate congregations, high or chief constables, and every person who shall act as serjeant at law, counsellor at law, barrister, advocate, attorney, solicitor, proctor, clerk or notary, by practising in any manner as such in any court or courts whatsoever, within that part of *Great Britain* called *England*, who shall at any time after the twenty-first day of *January* one thousand seven hundred and twenty-eight be admitted into, or enter upon, any of the above mentioned preferments, benefices, offices or places, or shall come into any such capacity, or shall take upon him or them any such practice, employment or business as aforesaid, shall take and subscribe the oaths appointed by the statute made in the first year of the reign of his late majesty king *George* the first, at such places, and in such form, as by that statute is directed, in his majesty's court of chancery, king's bench, common pleas or exchequer, at any time before the end of the next term, after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into such capacity, or take upon him or them such practice, employment or business as aforesaid, or shall take and subscribe the said oaths as aforesaid at any time before the end of the next quarter sessions of the county, city or place where such person shall be or reside, after he or they shall be admitted into, or enter upon any such preferment, benefice, office or place, or come into any such capacity, or take upon him or them such practice, employment or business as aforesaid.

Amended by  
9 Geo. 2, c. 28.

Persons beyond the seas may qualify themselves within four months after their arrival.

V. Provided also, that nothing in this act shall extend to any person beyond the seas, who by virtue of this act ought to take and subscribe the said oaths, so as such person do, within four months after his return to, and arrival in, that part of *Great Britain* called *England*, take and subscribe the said oaths, in such manner and form, and at such place and places as are appointed in and by the said act, made in the first year of the reign of his said late majesty king *George* the first, and also receive the sacrament of the Lord's supper, according to the usage of the church of *England*, and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed.

Persons within the times hereby limited neglecting to qualify themselves, liable to the disabilities in 1 Geo. 1, st. 3, c. 13.

VI. Provided always, and it is hereby further enacted by the authority aforesaid, that all and every person and persons aforesaid, that shall neglect or refuse to take the said oaths, or either of them, within the time and at the places aforesaid, according to the directions of this act, shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said act of the first year of the reign of his late majesty king *George* the first

are provided and inflicted for not taking and subscribing the said oaths; and in case of executing of any such office, place or employment, after such neglect or refusal, every such person and persons being thereof lawfully convicted in such manner as by the said act is directed, shall be liable unto and incur all such disabilities, incapacities, forfeitures and penalties, as in and by the said act are in the like case provided and inflicted, to be prosecuted, sued for and recovered in such manner as therein is prescribed.

VII. And it is hereby further enacted by the authority aforesaid, that all and every the powers, authorities, conditions, directions and provisions, in and by the said act of the first year of the reign of his late majesty king *George* the first enacted or provided, touching or relating to the taking or subscribing of the said oaths, or the neglect or refusal thereof, or in consequence of such taking or subscribing the said oaths, or neglect or refusal thereof, shall be adjudged, deemed and taken to be in full force, as if the same were herein particularly inserted and re-enacted; saving as to the alteration hereby made in respect of the times limited for taking and subscribing the said oaths; and saving also as to the indemnity hereby granted to such, who on or before the twenty-eighth day of *November* next shall take and subscribe the said oaths; any thing herein before contained to the contrary thereof in anywise notwithstanding.

All the powers in 1 Geo. I., to be in force.

Exceptions.

VIII. And whereas by a clause in an act of parliament passed in the thirteenth and fourteenth years of the reign of his late majesty king *Charles* the second, intituled *an act for uniformity of prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of making, ordaining and consecrating bishops, priests and deacons in the church of England*, it is amongst other things enacted, that all masters, fellows, chaplains and tutors, of or in any college, hall, house of learning, or hospital, and every public professor and reader in any of the universities, should take and subscribe the declaration therein mentioned and directed to be subscribed, before the vice-chancellor for the time being, or his deputy, upon pain of forfeiting their respective masterships, headships, fellowships, professors' places and readers' places in the said universities; notwithstanding which several persons have through inadvertency omitted to subscribe the said declaration, and have thereby incurred the penalties inflicted by the said act: now for the relief of such masters, fellows, professors and readers in any of the said universities, as have neglected to subscribe the said declaration, be it enacted by the authority aforesaid, that all and every the masters, fellows, chaplains and tutors, of or in any college, hall, house of learning or hospital, and every public professor and reader in any of the universities, who have neglected or omitted to subscribe the said declaration, and shall before the twenty-fifth day of *December* one thousand seven hundred and twenty-nine take and subscribe the said declaration before such person, and in such manner as required by the said act passed in the thirteenth and fourteenth years of his said late majesty king *Charles* the second, or any other act or acts of parliament requiring the taking and subscribing the same, shall be and are hereby indemnified from all forfeitures, disabilities and incapacities inflicted by the said act, and shall be

13 & 14 Car. 2. c. 4.

Times limited for masters, fellows, &c. in the universities, to qualify themselves.

restored to their respective headships, fellowships, professors' places and readers' places: provided, that this act shall not extend to restore any such person or persons to any headship, fellowship, professor's place, or reader's place, who through such neglect or omission as aforesaid hath or have forfeited the same, and which are already filled up or enjoyed by any other person or persons.

IX. Whereas all persons having command or place of trust from or under his majesty, or who are of the household or in the service  
 25 Car. 2, c. 2. of his majesty, are bound by an act passed in the twenty-fifth year of the reign of the late king *Charles* the second, intituled *an act for preventing dangers which may happen from popish recusants*, to make and subscribe a declaration against transubstantiation in the sacrament of the Lord's supper; and the sworn servants of the king's or queen's majesty are bound, by an act made in the thirtieth year of the reign of the said king *Charles* the second, intituled *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*, to repeat and subscribe a like declaration against transubstantiation, together with some additions, and the declaration only against transubstantiation being, as to these persons, sufficient; be it further enacted by the authority aforesaid, that so much of the said last mentioned act as relates to the sworn servants of the king's or queen's majesty shall be repealed; and if any such person hath offended contrary to such part of the said act intended to be hereby repealed, he shall be freed from all penalties and incapacities incurred thereby.

30 Car. 2, st. 2.  
 So much of the act 30 Car. 2, st. 2, as relates to the king's sworn servants repealed.

9 GEORGE 2, CAP. 26.—*An act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present majesty, as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessors.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 445.

7 WILLIAM 4, CAP. 12.—*An act to indemnify such persons in the united kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the twenty-fifth day of March one thousand eight hundred and thirty-eight; and for the relief of clerks to attornies and solicitors in certain cases.*—Whereas divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons taken and subscribed in and by an act made in the first year of the reign of his late majesty king *George* the first, of glorious memory, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act made in the thirteenth year of the reign*

1 G. 1, st. 2, c. 13.  
 13 C. 2, st. 2, c. 1.

of king Charles the second, intituled *an act for the well governing and regulating of corporations*; or to have qualified themselves according to another act made in the twenty-fifth year of the reign of king Charles the second, intituled *an act for preventing the dangers which may happen from popish recusants*; or according to another act made in the thirtieth year of the reign of king Charles the second, intituled *an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament*; or according to another act made in the eighth year of the reign of his late majesty king George the first, intituled *an act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under*; or according to another act made in the ninth year of the reign of his late majesty king George the second, intituled *an act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose*; and for amending so much of an act passed in the second year of the reign of his present majesty, as requires persons to qualify themselves for offices, before the end of the next term or quarter sessions, and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing a further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees; or according to another act made in the eighteenth year of the reign of his late majesty king George the second, intituled *an act to amend and render more effectual an act passed in the fifth year of his present majesty's reign, intituled 'an act for the further qualification of justices of the peace'*; or according to another act made in the sixth year of the reign of his late majesty king George the third, intituled *an act for altering the oath of abjuration and the assurance: and for amending so much of an act made in the seventh year of the reign of her late majesty queen Anne, intituled 'an act for the improvement of the union of the two kingdoms,' as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprision of treason*; or according to another act passed in the ninth year of the reign of his late majesty king George the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*; or according to another act passed in the tenth year of the reign of his said late majesty, intituled *an act for the relief of his majesty's Roman catholic subjects, so far only as the said act relates to any civil or military offices or places of trust, or places of profit or corporate offices*; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the oaths and assurance and make and subscribe the declaration required by the said recited acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of his majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions, be it enacted by the king's most excel-

Persons who have omitted to qualify themselves as required by the recited acts indemnified and allowed further time.

lent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person or persons who, at or before the passing of this act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said acts or any of them is required, and who, after accepting any such office, place, or employment, or undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this act hath or have taken and subscribed the said oaths, or made the declarations required by law, or who, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty-eight, shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said several acts or any or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the abovementioned acts or any of them, or any other act or acts; and such person or persons is and are and shall be fully and actually recapacitated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the abovementioned acts and every of them; and that all elections of, and acts done or to be done by, any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the manner appointed by the several acts before mentioned.

Indemnity to those who have omitted to make and subscribe the oath and declaration required by the Irish act of 2 Anne.

II. And whereas several persons well affected to his majesty's government, and to the united church of *England* and *Ireland*, have, through ignorance of the law neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an act passed in the parliament of *Ireland* in the second year of the reign of her late majesty queen *Anne*, intituled *an act to prevent the further growth of popery*:

be it therefore enacted, that all persons who have incurred any penalty or incapacity in the said recited act mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said act is mentioned; any thing in the said act to the contrary notwithstanding: provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last recited act, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty-eight.

III. Provided always, and be it further enacted, that this act, or any thing herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of his majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

Not to indemnify persons against whom final judgment is given.

IV. Provided always, and be it further enacted, that nothing contained in this act shall extend or be construed to extend to exempt any justice of the peace within *Great Britain* from the penalties to which he is subject for acting as such without being possessed of the qualification required by the laws now in force.

Not to exempt justices acting without legal qualification

V. And whereas the appointment of divers clerks of the peace, town clerks, and other public officers, and the admission of divers members and officers of cities, corporations, and borough towns in *Great Britain* and *Ireland*, or the entries of such admissions in the court books, rolls, or records, of such cities, corporations, and borough towns, which by several acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid; be it further enacted, that for the relief of such persons whose appointments and admissions, or the entries of whose admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons in *Great Britain* or *Ireland*, on or before the twenty-fifth day of *March* one thousand eight hundred and thirty-eight, to provide or cause to be provided appointments and admissions, or entries of admissions, as aforesaid, duly stamped; or in case where such appointments, admissions, or entries of admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such appointments, admissions, or entries of admissions as aforesaid to the commissioners appointed to inspect and manage the revenues of the stamp duties, to be duly stamped, which such commissioners are hereby authorized and empowered and required to duly stamp, on payment of double the amount of the duties first payable or to have been paid on such

Admissions to corporations may be stamped after time allowed by law.

appointments, admissions, or entries as aforesaid, without any other fine or forfeiture thereon; and, in order to denote the said duties, the said commissioners are hereby authorized and empowered to use such stamps as shall have been heretofore provided to denote any former duties on stamped vellum, parchment, and paper, or to cause new stamps to be provided for that purpose, and to do all other things necessary for putting this act in execution, in the like and in as full and ample manner as they or the major part of them are authorized to put in execution any former law concerning stamped vellum, parchment, and paper; and such persons so providing appointments, admissions, or entries of admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as clerk of the peace, town clerk, and other public officer, or member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold and enjoy and execute such offices, or any other office or offices into which he or they hath or have been elected, notwithstanding his or their omission, or the omission of any of their predecessors in such cities, corporations, or borough towns as aforesaid, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties, and damages by reason of any such omission; and none of his or their acts shall be questioned or avoided by reason of the same.

Indemnity to persons who have paid the duties on indentures to serve as clerks to attorneys, &c. but have neglected to cause affidavits thereof to be made.

VI. And whereas many persons who may have paid the proper stamp duties, either before or within six months after the execution of the contracts in writing entered into by them to serve as clerks to attorneys or solicitors, scriveners or notaries public, in *Great Britain*, have omitted to cause affidavits to be made, and afterwards to be filed in the proper office, of the actual execution of such contracts, and have also omitted to cause such contracts and the indentures thereof to be enrolled within the time in which the same ought to have been done; and many solicitors, attorneys, notaries public, and others have omitted to take out annual certificates, or to enter the same in the proper office; and many infants and others may thereby incur certain disabilities: for preventing thereof, and relieving such persons, be it enacted, that every person who shall, either before or within six months after the execution of such contract or indenture, have paid the proper stamp duty in that behalf, and who at the passing of this act shall have neglected or omitted to cause any such affidavit or affidavits as aforesaid to be made and filed, or such contract or indenture to be enrolled, and who, on or before the first day of *Hilary* term one thousand eight hundred and thirty-eight, shall cause such contract or indenture to be enrolled with the proper officer in that behalf, and one or more affidavit or affidavits to be made, and afterwards to be filed, in such manner as the same ought to have been made and filed in due time, shall be and is hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities in or by any act or acts of parliament mentioned, and incurred or to be incurred for or by reason of such neglect or omission; and every such affidavit and affidavits so to be made, and which shall be

duly filed on or before the first day of *Hilary* term one thousand eight hundred and thirty-eight, shall be as effectual to all intents and purposes as if the same had been made and filed within the respective times the same ought, by the laws now in being for that purpose, to have been made and filed; and that the respective officer or officers, who ought to receive, file, enter, or register such contract or indenture, or affidavit or affidavits, shall not refuse to receive, file, enter, or register the same by reason that the attorney, solicitor, or notary public to whom such infant or other person shall have been articulated or have contracted to serve, shall have neglected to take out his annual certificate, or to register the same, but such officer or officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such omission; and that every person who shall have regularly served any attorney or attorneys, solicitor or solicitors, notary public or notaries public, for the term of years required by law, shall not be prevented or disqualified from being admitted an attorney, solicitor, or notary public, by reason of any omission of the person or persons to whom he served for the same term, or for any part thereof, having so neglected to take out his annual certificate, or to register the same, provided that such person is otherwise entitled to be created and admitted to such office by the laws now in force relating thereto.

Neglect of attorneys, &c. in taking out their annual certificates not to disqualify the persons who have served them.

VII. And be it enacted, that in case the attorney, solicitor, proctor, or notary to whom any person shall have duly served his clerkship under articles in writing for that purpose shall after such service of the clerk be struck off the roll in consequence of some defect in the service under the articles of clerkship or of the admission and enrolment of such attorney, solicitor, proctor, or notary, the person who has so duly served his clerkship shall not be prevented or disqualified from being admitted and enrolled as an attorney, solicitor, proctor, or notary, nor liable to be struck off the roll if admitted, by reason of any such defect as aforesaid, provided that such clerk or person be otherwise entitled to be admitted and enrolled according to the laws now in force relating thereto.

Defects in the service, &c. of attorneys not to disqualify persons who have served them.

VIII. And be it further enacted, that no person who has been admitted and enrolled and in actual practice as an attorney, solicitor, proctor, or notary shall be liable to be struck off the roll for or on account of any defect in the articles of clerkship, or the registry thereof, or the service under such articles, or of his admission and enrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and enrolment.

Limiting time for applications for striking attorneys off the roll for defect in articles, &c.

IX. And whereas by an act passed in the seventh year of the reign of his late majesty king *George* the fourth, to allow, until the tenth day of *October* one thousand eight hundred and twenty-six, the enrolment of certain articles of clerkship, and for other purposes therein mentioned, it was enacted that it should not be lawful for the commissioners of stamps, or any of their officers, to stamp, under any pretence whatever, after the expiration of six months from their date, any articles of clerkship to attorneys or others, as therein specified: and whereas the using of the word "months" in the said last mentioned act, in this respect, without

The word "months" in 7 G. 4, c. 44, to mean calendar months.



the addition of the word "calendar," occasioned mistakes and inconveniences; be it enacted, that from and after the passing of this act the word "months" used in the said last mentioned act, so far as the same relates to the stamping of articles of clerkship to attornies and others therein specified, shall be understood to mean calendar months.

Indentures, &c. may be stamped before last day of Michaelmas term 1837 if application was made therefor within six calendar months from the date thereof.

X. And whereas several persons bound to serve as clerks or apprentices to attornies or solicitors have applied to have the indentures or contracts of such clerkship stamped after the expiration of six lunar and before the expiration of six calendar months from the date thereof; be it further enacted, that it shall and may be lawful for the commissioners of stamps and taxes, or any of their proper officers, at any time before the last day of *Michaelmas* term one thousand eight hundred and thirty-seven, to stamp any articles of clerkship, contract, indenture, or other instrument whereby any person hath become bound to serve as a clerk or apprentice, in order to his admission as an attorney or solicitor in any of the courts of law or equity, although the period of six calendar months from the date thereof hath now elapsed, upon payment of the proper duty payable in respect of the same, and of the further sum of five pounds by way of penalty, provided it shall be proved to the satisfaction of the said commissioners that application was made to them or to their proper officer to have such articles, contract, indenture, or instrument stamped within six calendar months from the date thereof.

Not to restore persons to any office avoided by judgment.

XI. Provided always, and be it further enacted, that this act or any thing herein contained shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of his majesty's courts of record, already legally filled up and enjoyed by any other person; but that such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this act be legally entitled to the same, as if this act had never been made.

General issue.

XII. And be it further enacted, that in case any action, suit, bill of indictment, or information shall from and after the passing of this act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this act and the special matter in evidence upon any trial to be had thereupon.

9 VICTORIA, CAP. 13, SECS. 1—3, 6, & 7.—*An act to indemnify such persons in the united kingdom as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively until the twenty-fifth day of March one thousand eight hundred and forty-seven.*—Whereas divers persons, who, on account of their offices, places, employments, or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or assurance respectively appointed to be by such persons

taken and subscribed in and by an act passed in the first year of the reign of his majesty king *George* the first, of glorious memory, intituled *an act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors; or to have qualified themselves according to an act passed in the thirteenth year of the reign of his majesty king Charles the second, or to have qualified themselves according to another act passed in the twenty-fifth year of the reign of his majesty king Charles the second, intituled an act for preventing the dangers which may happen from popish recusants; or according to another act passed in the thirtieth year of the reign of his majesty king Charles the second, intituled an act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament; or according to another act passed in the eighth year of the reign of his majesty king George the first, intituled an act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under; or according to another act passed in the ninth year of the reign of his majesty king George the second, intituled an act for indemnifying persons who have omitted to qualify themselves for offices within the time limited by law, and for allowing further time for that purpose; and for amending so much of an act passed in the second year of the reign of his present majesty as requires persons to qualify themselves for offices before the end of the next term or quarter sessions; and also for enlarging the time limited by law for making and subscribing the declaration against transubstantiation; and for allowing a further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers, devisees, and lessees; or according to another act passed in the eighteenth year of the reign of his majesty king George the second, intituled an act to amend and render more effectual an act passed in the fifth year of his present majesty's reign, intituled "an act for the further qualification of justices of the peace;" or according to another act passed in the sixth year of the reign of his majesty king George the third, intituled an act for altering the oath of abjuration and the assurance; and for amending so much of an act passed in the seventh year of the reign of her late majesty queen Anne, intituled "an act for the improvement of the union of the two kingdoms," as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprision of treason; or according to another act passed in the ninth year of the reign of his majesty king George the fourth, intituled an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's Supper as a qualification for certain offices and employments; or according to another act passed in the tenth year of the reign of his said majesty, intituled an act for the relief of his majesty's Roman catholic subjects, so far only as the said act relates to any civil or military offices or places of trust, or places of profit or corporate offices; have, through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the oaths and*

Persons who have omitted to qualify themselves as required by the recited acts indemnified and allowed further time.

assurance and make and subscribe the declaration required by the said recited acts or either of them, or otherwise to qualify themselves as aforesaid, within such time and in such manner as in and by the said acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers penalties and disabilities: for quieting the minds of her majesty's subjects, and for preventing any inconvenience that might otherwise happen by means of such omissions, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and every person or persons who, at or before the passing of this act, hath or shall have omitted to take and subscribe the oaths and declarations, or otherwise to qualify him, her, or themselves, within such time and in such manner as in and by the said acts or any of them is required, and who, after accepting any such office, place, or employment, or undertaking any profession or thing, on account of which such qualification ought to have been had and is required, before the passing of this act, hath or have taken and subscribed the said oaths or made the declarations required by law, or who on or before the twenty-fifth day of *March* one thousand eight hundred and forty-seven shall take and subscribe the oaths, declarations, and assurance respectively, in such cases wherein by the said several acts or any or either of them the said oaths, declarations, and assurance ought to have been taken and subscribed, in such manner and form, and at or in such place or places, as are appointed in and by the said several acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all penalties, forfeitures, incapacities, and disabilities incurred or to be incurred for or by reason of any neglect or omission, previous to the passing of this act, of taking or subscribing the said oaths or assurance, or making or subscribing the said declarations respectively, or taking or subscribing the said oath, according to the abovementioned acts or any of them, or any other act or acts; and such person or persons is and are and shall be fully and actually recapitulated and restored to the same state and condition as he, she, or they were in before such neglect or omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the abovementioned acts and every of them; and that all elections of, and acts done or to be done by, any such person or persons, or by authority derived from him, her, or them, are and shall be of the same force and validity as the same or any of them would have been if such person or persons respectively had taken the said oaths or assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, according to the directions of the said acts and every or any of them; and that the qualification of such person or persons qualifying themselves in manner and within the time appointed by this act shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and made and subscribed the said declarations respectively, and taken and subscribed the said oath, within the time and in the manner appointed by the several acts before mentioned.

II. And whereas several persons well affected to her majesty's government, and to the united church of *England* and *Ireland*, have, through ignorance of the law, neglected, or been, by sickness or other unavoidable causes, prevented from taking and subscribing the declaration according to the directions of an act passed in the parliament of *Ireland* in the second year of the reign of her majesty queen *Anne*, intituled *an act to prevent the further growth of popery*; be it therefore enacted, that all persons who have incurred any penalty or incapacity in the said recited act mentioned, by neglecting to qualify themselves according to the said act, shall be and are hereby indemnified, freed, and discharged from all incapacities, disabilities, penalties, and forfeitures incurred by reason of such omission or neglect as aforesaid; and that no act done by any of them, not yet avoided, shall be questioned or avoided by reason of such omission or neglect, but that all such acts shall be and are hereby declared to be as good and effectual as if such persons respectively had taken and subscribed the said oath, and made and repeated and subscribed the said declaration, at such time and place and manner as in the said act is mentioned; any thing in the said act to the contrary notwithstanding: provided always, that such person or persons do and shall take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in such manner and form, and in such place or places respectively, as are directed and appointed by the said last recited act, on or before the twenty-fifth day of *March*, one thousand eight hundred and forty-seven.

Indemnity to those who have omitted to make and subscribe the oath and declaration required by the Irish act of 2 Anne.

III. Provided always, and be it enacted, that this act, or any thing herein contained, shall not extend or be construed to extend to indemnify any person against whom final judgment shall have been given in any action of debt, bill, plaint, or information, in any of her majesty's courts of record, for any penalty incurred by having neglected to qualify himself within the time limited by law.

Not to indemnify persons against whom final judgment has been given.

VI. Provided always, and be it enacted, that this act, or any thing herein contained, shall not extend or be construed to extend to restore or entitle any person or persons to any office or employment, benefice, matter, or thing whatsoever, already actually avoided by judgment of any of her majesty's courts of record, already legally filled up and enjoyed by any other person, but that such office or employment, benefice, matter, or thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the person or persons who is or are now or shall at the passing of this act be legally entitled to the same, as if this act had never been passed.

Not to restore persons to any office avoided by judgment.

VII. And be it enacted, that in case any action, suit, bill of indictment, or information shall from and after the passing of this act be brought, carried on, or prosecuted against any person or persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any forfeiture, penalty, incapacity, or disability whatsoever, incurred or to be incurred by any such neglect or omission, such person or persons may plead the general issue, and upon their defence give this act and the special matter in evidence upon any trial to be had thereupon.

General issue.

SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

## PROTESTANT IRISH CLERGY AND SUBJECTS.

1 WILLIAM & MARY, CAP. 29.—*An act for relief of the protestant Irish clergy.* EXP.

1 WILLIAM & MARY, SESS. 2, CAP. 9.—*An act for the better security and relief of their majesties' protestant subjects of Ireland.*—Whereas the kingdom of *Ireland* is (as well by the laws of this kingdom, as those of *Ireland*) annexed and united to the imperial crown of *England*, and all acts, judgments, sentences, orders, decrees, or other proceedings, of what kind soever, there had, made, or done, without or against the authority of the kings or queens of this kingdom of *England*, are absolutely null and void; and all persons in *Ireland* that oppose or submit not to the government of the crown of this realm, are rebels, and guilty of high treason; notwithstanding which, several persons, since the happy accession of their majesties king *William* and queen *Mary* to the imperial crown of this realm, have been lately assembled at or near the city of *Dublin* in the kingdom of *Ireland*, without any authority from their said majesties, pretending to be, or calling themselves by the name of a parliament, and in such rebellious assembly have made and passed several pretended acts or statutes, in manifest opposition to the sovereignty, and to the inherent rights and dignities of the crown of this realm, and to the general prejudice and violation of the rights and properties of their majesties' good subjects of that kingdom: and although all the said proceedings are absolutely null and void in themselves, yet nevertheless, for the more plain and express declaring and asserting the sovereignty, rights, and dignities of the crown of *England*, and for the clearing all doubts, and quieting the minds of their majesties' good subjects of that kingdom, as also for the remedying, preventing, and avoiding the several mischiefs and inconveniencies intended by this act to be provided against, &c. EXP.

2 WILLIAM 4, CAP. 7.—*An act for the relief of his majesty's subjects in Ireland being protestants of the established church, and to repeal an act passed in the parliament of Ireland in the thirty-third year of the reign of his majesty king George the third, intituled an act to remove some doubts respecting persons in office taking the sacramental test.*—See Title—"ABOLITION OF SACRAMENTAL TEST," vol. i. p. 90.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.



## PROVISORS.

25 EDWARD 3, STAT. 6. A STATUTE OF PROVISOES OF BENEFICES.—*The king and other lords shall present unto benefices of their own, or their ancestors' foundation, and not the bishop of Rome.*—See Title—"PRESENTATION," vol. iv. p. 2.

27 EDWARD 3, STAT. 1. A STATUTE OF PROVISOES.—*Our lord the king, by the assent and prayer of the great men, and the commons of his realm of England, at his great council holden at Westminster, the Monday next after the feast of Saint Matthew the apostle, the twenty-seventh year of his reign of England, and of France the fourteenth, in amendment of his said realm, and maintenance of the laws and usages, hath ordained and stablished these things under-written:—*

27 EDWARD 3, STAT. 1, CAP. 1.—*Premunire for suing in a foreign realm, or impeaching of judgment given.*—First, because it is shewed to our lord the king, by the grievous and clamorous complaints of the great men and commons aforesaid, how that divers of the people be, and have been drawn out of the realm to answer of things, whereof the cognizance pertaineth to the king's court; and also that the judgments given in the same court be impeached in another court, in prejudice and disherison of our lord the king, and of his crown, and of all the people of his said realm, and to the undoing and destruction of the common law of the same realm at all times used. Whereupon, good deliberation had with the great men and other of his said council, it is assented and accorded by our lord the king, and the great men and commons aforesaid, that all the people of the king's legiance, of what condition that they be, which shall draw any out of the realm in plea, whereof the cognizance pertaineth to the king's court, or of things whereof judgments be given in the king's court, or which do sue in any other court, to defeat or impeach the judgments given in the king's court, shall have a day, containing the space of two months, by warning to be made to them in the place where the possessions be, which be in debate, or otherwise where they have lands or other possessions, by the sheriffs or other the king's ministers, to appear before the king and his council, or in his chancery, or before the king's justices in his places of the one bench or other, or before other the king's justices which to the same shall be deputed, to answer in their proper persons to the king, of the contempt done in this behalf. And if they come not at the said day in their proper person to be at the law, they, their procurators, attornies, executors, notaries, and maintainers, shall from that day forth be put out of the king's protection, and their lands, goods, and chattels forfeit to the king, and their bodies, wheresoever they may be found, shall be taken and imprisoned, and ransomed at the king's will; and upon the same a writ shall be made to take them by their bodies, and to seize their lands, goods and possessions, into the king's hands; and if it be returned, that they be not found, they shall be put in exigent, and outlawed.

4 Inst. 86.  
3 Inst. 130.  
135.  
11 Co. 63.  
19 Co. 37.  
2 Roll 317.

14 H. 4, f. 14.  
2 E. 3, f. 17.  
5 Ed. 4, f. 6.  
9 Ed. 4, f. 3.  
Fitz. premunire 5, 6, 10.

39 Ed. 3, f. 7.  
43 Ed. 3, f. 6.

Bro. attorney  
48, 53, 104.  
11 Co. 34.  
44 Ed. 3, f. 7.  
36.  
1 Lev. 241,  
242.

Enforced by  
38 Ed. 3, st. 2.  
c. 2, 3, and 4.



Appearance  
of the offend-  
er after two  
months will  
save his out-  
lawry, but  
not his lands  
or goods.  
Reg. 182.  
Rast. 24, 465.

II. Provided always, that at what time they come before they be outlawed, and will yield them to the king's prison to be justified by the law, and to receive that which the court shall award in this behalf, that they shall be thereto received; the forfeiture of the lands, goods, and chattels abiding in their force, if they do not yield them within the said two months, as afore is said.

13 RICHARD 2, STAT. 2, CAP. 2.—*A confirmation of the statute of provisors, made anno 25 Edward 3, stat. 6, and the forfeiture of him that accepteth a benefice contrary to that statute.*—See Title—"BENEFICES," vol. i. p. 253.

13 RICHARD 2, STAT. 2, CAP. 3.—*The penalty of him which bringeth a summons or excommunication against any person upon the statute of provisors, and of a prelate executing it.*—See Title—"BENEFICES," vol. i. 255.

16 RICHARD 2, CAP. 5.—*Premunire for purchasing bulls from Rome. The crown of England subject to none.*—See Title—"BULLS FROM ROME," vol. i. p. 351.

2 HENRY 4, CAP. 3.—*If any do accept a provision granted by the pope to a religious person to be exempt from obedience, he shall be within the danger of the statute of provisors.*—It is ordained and established, that if any provision be made by the bishop of Rome to any person of religion, or to any other person, to be exempt of obedience regular, or of obedience ordinary, or to have any office perpetual within houses of religion, or as much as one regular person of religion, or two or more, have in the same; that if such provisors from henceforth do accept or enjoy any such provision, they shall incur the pains comprised in the statute of provisors, made in the thirteenth year of king Richard the second.

25 Ed. 3, st. 6.  
13 R. 2, st. 2,  
c. 2 & 3.  
16 R. 2, c. 5.

2 HENRY 4, CAP. 4.—*The penalties for purchasing of bulls to be discharged of tithes.*—See Title—"BULLS FROM ROME," vol. i. p. 353.

7 HENRY 4, CAP. 8.—*No provision, licence, or pardon shall be granted of a benefice full of an incumbent.*—To eschew many dissensions, discords and debates, and divers other mischiefs very like to rise and grow because of many provisions made, and to be made, by the pope, and also in respect of licences granted upon the same by the king our sovereign lord; it is ordained and established, that no licence or pardon so granted before this time, nor to be granted in time to come, shall be available to any benefice full of any incumbent, at the day of the date of such licence or pardon granted.

Enforced by  
3 H. 5, c. 4.

9 HENRY 4, CAP. 8.—*An act for free elections, and against transportation of money.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 523.

9 HENRY 4, CAP. 10.—*A pardon granted by the king to all that have purchased provisions, or translations to archbishoprics, bishoprics, &c.*—And also the same our sovereign lord the king hath pardoned all them that have purchased provisions or translations of archbishoprics or bishoprics, purchased and executed and not executed before this first day of December, and all their procurators, notaries, fautors and executors, all manner of trespasses, contempts, forfeitures, and misprisions done by them or any of them concerning the said purchases, so that they may put their grace in execution, as

Pardon.

well by themselves as by their procurators, notaries, and executors aforesaid.

Et ideo tibi precipimus quod statim visis presentibus statuta et ordinationes predicta in singulis locis infra ballivam tuam ubi magis expediens fuerit et necesse publice ex parte nostra proclamari et notificari ac quantum in te est firmiter et inviolabiliter teneri et observari facias juxta tenorem eorundem. Et hoc nullatenus omittas. T. R. apud *Westminster* primo die *Februarii* anno nono.

3 HENRY 5, STAT. 2, CAP. 4.—*All provisions, licences, and pardons of a benefice full of an incumbent shall be void.*—See Title—"BENEFICES," vol. i. p. 256.

21 HENRY 8, CAP. 13, SECS. 11 & 27.—*Spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.*—See Title—"PLURALITIES," vol. iii. p. 635.

22 HENRY 8, CAP. 15.—The king's general pardon to his EXP. spiritual subjects, of all offences committed against the statutes of provisors, provisions, and *premunire*, and all other penalties, forfeitures, pains, except treason, murder, robbery, &c.

5 ELIZABETH, CAP. 1.—*An act for the assurance of the queen's royal power over all estates and subjects within her dominions.*—See Title—"ECCLIESIASTICAL JURISDICTION OF THE CROWN," vol. iii. p. 43.

13 ELIZABETH, CAP. 2.—*An act against the bringing in, and putting in execution of bulls, writings or instruments and other superstitious things from the see of Rome.*—See Title—"BULLS FROM ROME," vol. i. p. 354.

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1816.

## PUBLIC THANKSGIVING.

Yearly prayer shall be made for the delivery of the king, &c. from the gunpowder treason. The blessings of England by the king and his progeny.

The gunpowder treason conspired to have been effected 5 Nov. Ann. Dom. 1605.

How the treason was discovered.

Thanks shall be given to God in every church yearly upon the fifth day of November.

3 JAMES 1, CAP. 1.—*An act for a public thanksgiving to Almighty God every year on the fifth day of November.*—Forasmuch as Almighty God hath in all ages shewed his power and mercy in the miraculous and gracious deliverance of his church, and in the protection of religious kings and states; and that no nation of the earth hath been blessed with greater benefits than this kingdom now enjoyeth, having the true and free profession of the gospel under our most gracious sovereign lord king *James*, the most great, learned and religious king that ever reigned therein, enriched with a most hopeful and plentiful progeny, proceeding out of his royal loins, promising continuance of this happiness and profession to all posterity: the which many malignant and devilish papists, jesuits and seminary priests, much envying and fearing, conspired most horribly, when the king's most excellent majesty, the queen, the prince, and all the lords spiritual and temporal, and commons, should have been assembled in the upper house of parliament upon the fifth day of *November* in the year of our Lord one thousand six hundred and five, suddenly to have blown up the said whole house with gunpowder: an invention so inhuman, barbarous and cruel, as the like was never before heard of, and was, (as some of the principal conspirators thereof confess, purposely devised and concluded to be done in the said house, that where sundry necessary and religious laws for preservation of the church and state were made, which they falsely and slanderously term cruel laws, enacted against them and their religion, both place and persons should be all destroyed and blown up at once; which would have turned to the utter ruin of this whole kingdom, had it not pleased Almighty God, by inspiring the king's most excellent majesty with a divine spirit, to interpret some dark phrases of a letter shewed to his majesty, above and beyond all ordinary construction, thereby miraculously discovering this hidden treason not many hours before the appointed time for the execution thereof; therefore the king's most excellent majesty, the lords spiritual and temporal, and all his majesty's faithful and loving subjects, do most justly acknowledge this great and infinite blessing to have proceeded merely from God his great mercy, and to his most holy name do ascribe all the honour, glory and praise: and to the end this unfeigned thankfulness may never be forgotten, but be had in a perpetual remembrance, that all ages to come may yield praises to his divine majesty for the same, and have in memory this joyful day of deliverance.

II. Be it therefore enacted by the king's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and singular ministers in every cathedral and parish church, or other usual place for common prayer, within this realm of *England* and the dominions of the same, shall always upon the fifth day of *November* say morning prayer, and give unto Almighty God thanks for this most happy deliverance: and that all and every person and persons

inhabiting within this realm of *England* and the dominions of the same, shall always upon that day diligently and faithfully resort to the parish church or chapel accustomed, or to some usual church or chapel where the said morning prayer, preaching, or other service of God shall be used, and then and there to abide orderly and soberly during the time of the said prayers, preaching, or other service of God there to be used and ministered.

III. And because all and every person may be put in mind of this duty, and be then better prepared to the said holy service, be it enacted by authority aforesaid, that every minister shall give warning to his parishioners publicly in the church at morning prayer, the *Sunday* before every such fifth day of *November*, for the due observation of the said day: and that after morning prayer or preaching upon the said fifth day of *November*, they read publicly, distinctly and plainly this present act.

The minister shall give warning of the day the *Sunday* before.

12 CHARLES 2, CAP. 14.—*An act for a perpetual anniversary thanksgiving on the nine and twentieth day of May.*—Forasmuch as Almighty God the king of kings, and sole disposer of all earthly crowns and kingdoms, hath by his all-swaying providence and power miraculously demonstrated in the view of all the world his transcendent mercy, love and graciousness, towards his most excellent majesty *Charles* the second, by his especial grace, of *England*, *Scotland*, *France* and *Ireland*, king, defender of the true faith, and all his majesty's loyal subjects of this his kingdom of *England*, and the dominions thereunto annexed, by his majesty's late most wonderful, glorious, peaceable and joyful restoration to the actual possession and exercise of his undoubted hereditary sovereign and regal authority over them, (after sundry years forced extermination into foreign parts, by the most traitorous conspiracies and armed power of usurping tyrants and execrable perfidious traitors) and that without the least opposition or effusion of blood, through the unanimous, cordial, loyal votes of the lords and commons in this present parliament assembled, and passionate desires of all other his majesty's subjects; which inexpressible blessing (by God's own most wonderful dispensation) was completed on the twenty-ninth day of *May* last past, being the most memorable birth-day, not only of his majesty, both as a man and prince, but likewise as an actual king, and of this and other his majesty's kingdoms, all in a great measure new born and raised from the dead on this most joyful day, wherein many thousands of the nobility, gentry, citizens, and other his lieges of this realm, conducted his majesty unto his royal cities of *London* and *Westminster*, with all possible expressions of their public joy and loyal affections, in far greater triumph than any of his most victorious predecessors kings of *England* returned thither from their foreign conquests; and both his majesty's houses of parliament, with all dutiful and joyful demonstrations of their allegiance, publicly received and cordially congratulated his majesty's most happy arrival, and investiture in his royal throne, at his palace at *Whitehall*: upon all which considerations, this being the day which the Lord himself hath made and crowned with so many public blessings and signal deliverances, both of his majesty and his people, from all their late most deplorable confusions, divisions, wars, devastations and op-

The wonderful power and goodness of God in the restoration of his majesty.

The unanimous and cordial affection of the lords and commons in parliament, and people in general.

The intent of keeping the said day.

The 29th of May to be annually celebrated.

All persons to resort to some church, chapel, or public place of thanksgiving on the said day.

Notice to be given the next Lord's day before.

Thanksgiving.  
13 Car. 2,  
c. 14.

pressions: to the end that it may be kept in perpetual remembrance in all ages to come, and that his sacred majesty with all his subjects of this realm, and the dominions thereof, and their posterities after them, might annually celebrate the perpetual memory thereof, by sacrificing their unfeigned hearty public thanks thereon to Almighty God, with one heart and voice, in a most devout and christian manner, for all these public benefits received and conferred on them upon this most joyful day; be it therefore enacted by the king's most excellent majesty, the lords and commons in this present parliament assembled, and by the authority of the same, that all and singular ministers of God's word and sacraments, in every church, chapel, and other usual place of divine service and public prayer, which now are or hereafter shall be within this realm of *England*, and the respective dominions thereof, and their successors, shall in all succeeding ages annually celebrate the twenty-ninth day of *May*, by rendering their hearty public praises and thanksgivings unto Almighty God for all the fore-mentioned extraordinary mercies, blessings and deliverances received, and mighty acts done thereon, and declare the same to all the people there assembled, and the generations yet to come, that so they may for ever praise the Lord for the same, whose name alone is excellent, and his glory above the earth and heavens: and be it further enacted, that all and every person and persons inhabiting within this kingdom, and the dominions thereunto belonging, shall upon the said day annually resort with diligence and devotion to some usual church, chapel or place where such public thanksgivings and praises to God's most divine majesty shall be rendered, and there orderly and devoutly abide during the said public thanksgivings, prayers, preaching, singing of psalms, and other service of God there to be used and ministered.

II. And to the end that all persons may be put in mind of their duty thereon, and be the better prepared to discharge the same with that piety and devotion as becomes them: be it further enacted, that every minister shall give notice to his parishioners publicly in the church at morning prayer the Lord's day next before every such twenty-ninth day of *May*, for the due observation of the said day, and shall then likewise publicly and distinctly read this present act to the people.

13 CHARLES 2, CAP. 11.—*An act for confirming of three acts therein mentioned.*—Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, and by the authority of the same, that ..... one other act, intituled *an act for a perpetual anniversary thanksgiving on the twenty-ninth day of May*; and all and every the clauses, sentences and articles in them and every of them contained, shall be and hereby are ratified and confirmed, and enacted and declared to have the full force and strength of acts of parliament, according to the tenor and purport thereof, and so shall be adjudged, deemed and taken to all intents and purposes whatsoever, and as if the same had been made, declared and enacted by authority of this present parliament.

7 & 8 VIC., CAP. 102.—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VIC., CAP. 59.—See Title—"UNIFORMITY OF SERVICE."

## PURVEYANCES.

9 HENRY 3, CAP. 21.—*Taking of horses, carts, and wood.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 513.

3 EDWARD 1, CAP. 1.—*The peace of the church and the realm shall be maintained. Religious houses shall not be overcharged.*—See Title—"ABBEYS," vol. i. p. 1.

14 EDWARD 3, STAT. 1, CAP. 19.—*How purveyors for the king's house and wars shall make their purveyance.*—Item, it is assented, that the purveyances, which shall be made for the king's house and the queen's, where they do abide and pass through the country, shall be made by warrant and power given to them, which shall make the purveyances: in which shall be expressly contained, that they shall take nor buy any thing, unless it be by agreement made betwixt the buyer and the seller, and by the consent of the sellers. And if any will any thing take by colour of his commission against this ordinance, none shall be bound to obey him, no more than if he had no commission. And of that which shall be so bought and purveyed, payment shall be made to the seller before that the king pass out of the verge. And of great purveyances to be made, as of flesh, fish, and other victuals for the king's wars, and for to victual the castles and towns in *Scotland* and *England*, and other places, certain merchants or other good people shall be deputed by the treasurer, to make the said purveyances, without commissions, and without the king's, or other power, so that the people nor any of them be put to sell any thing without their will and consent. And that no commission be made to the keepers of the king's horses, but be it only commanded to the sheriff, that he make purveyance by him and by his, of the issues of his bailiwick. And the number of the horses, for which he shall make such purveyance shall be contained in the said commandment. And that no purveyance be made over this number, saving that the chief keeper have an hackney, and that he take good heed, that the country be not charged of more than shall keep the horses, but for every horse a servant, without bringing women, pages, or dogs with them. And if more be found abiding in the charge of the country, they shall be brought to the prison, there to remain till the king hath sent his will.

And in the same manner be it commanded to the sheriffs, that they make purveyance for the king's dogs of the issues of their bailiwick where they dwell. And that such purveyances be made by none other but by the sheriffs. And be it contained in his commandment the number of the dogs for which he shall make purveyance, over which number no purveyance shall be made, so that they live of their certain, without charging the country. And if any find him grieved against this ordinance, he shall have recovery against the sheriff of such grievances done to him.

14 EDWARD 3, STAT. 4, CAP. 1.—*Spiritual persons' goods shall not be taken by purveyances without the owner's consent.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 s.

18 EDWARD 3, STAT. 3, CAP. 4.—*In commissions to be made for purveyance, the fees of the church shall be excepted.*—See Title—

Ex Edit.  
Fulton.  
The king's  
purveyors  
shall take  
nothing  
without the  
owner's con-  
sent.  
9 H. 3, c. 21.

Purveyance  
for the wars.

Purveyance  
for the king's  
horses.  
St. 10 Ed. 3,  
c. 4.

Purveyance  
for the king's  
dogs.

13 Car. 3, c. 24.

"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 517.

25 EDWARD 3, STAT. 5, CAP. 6.—*A purveyor shall not take timber in or about any person's house.*—Item, it is accorded and stablished, that no taker of wood nor of timber to the king's use for work, nor for to make other thing, shall cut or fell down the trees of any man growing about or within his house; and if any do to the contrary, he shall make gree to the party of his treble damage, and shall be one year in prison, and be forejudged of his office.

1 RICHARD 2, CAP. 3.—*Prelates shall have their action of trespass against purveyors offending.*—See Title—"BISHOPS IN ENGLAND," vol. i. p. 287.

12 CHARLES 2, CAP. 24, SECS. 12—14.—*An act for taking away the court of wards and liveries, and tenures in capite, and by knight's service, and purveyance, and for settling a revenue upon his majesty in lieu thereof.*

Purveyances and provisions for the king's household taken away.

XII. Whereas by like experience it hath been found, that though divers good, strict, and wholesome laws have been made in the times of sundry his majesty's most noble progenitors, some extending so far as to life, for redress of the grievances and oppressions committed by the persons employed for making provisions for the king's household, carriages and other purveyance for his majesty and his occasions; yet divers oppressions have been still continued, and several counties have submitted themselves to sundry rates and taxes and compositions, to redeem themselves from such vexations and oppressions: and forasmuch as the lords and commons assembled in parliament do find that the said remedies are not fully effectual, and that no other remedy will be so effectual and just, as to take away the occasion thereof, especially if satisfaction and recompence shall be therefore made to his majesty, his heirs and successors, which is hereby provided to his majesty's good liking and content; his majesty is therefore graciously pleased, that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords and commons in this present parliament assembled, that from henceforth no sum or sums of money, or other thing shall be taken, raised, taxed, rated, imposed, paid or levied, for or in regard of any provision, carriages or purveyance for his majesty, his heirs or successors.

Purveyances for the king, queen, &c.

XIII. And that henceforth no person or persons by any warrant, commission or authority under the great seal or otherwise, by colour of buying or making provision or purveyance for his majesty or any queen of *England* for the time being, or of any the children of any king or queen of *England* for the time being or that shall be, or for his, their or any of their household, shall take any timber, fuel, cattle, corn, grain, malt, hay, straw, victual, cart, carriage or other thing whatsoever, of any the subjects of his majesty, his heirs or successors, without the free and full consent of the owner or owners thereof had and obtained without menace or enforcement; nor shall summon, warn, take, use or require any of the said subjects, to furnish or find any horses, oxen or other cattle, carts, ploughs, wains or other carriages, for the use of his majesty, his heirs or successors, or of any queen of *England*, or of any child or children of any the kings or queens of *England* for the time being, for the carrying the goods of his majesty, his heirs or successors, or the said

Timber, carts, carriages, &c. taken away. Altered by 13 Car. 2, st. 1, c. 8, s. 2. 18 & 14 Car. 2, c. 30, s. 1, and 1 Jac. 2, c. 10.

queens, or children or any of them, without such full and free consent as aforesaid; any law, statute, custom or usage to the contrary notwithstanding.

XIV. And be it further enacted, that no pre-emption shall be allowed or claimed in the behalf of his majesty or of any his heirs or successors, or of any the queens of *England*, or of any the children of the royal family for the time being, in market or out of market; but that it be for ever hereafter free to all and every of the subjects of his majesty, to sell, dispose or employ his said goods to any other person or persons as himself listeth, any pretence of making provision or purveyance of victual, carriages or other thing for his majesty, his heirs and successors, or of the said queens or children, or any pretence of pre-emption in their or any of their behalfs notwithstanding: and if any person or persons shall make provision or purveyance for his majesty, his heirs or successors, or any the queens or children aforesaid, or impress or take any such carriages or other things aforesaid, on any pretence or colour of any warrant aforesaid, under the great seal or otherwise, contrary to the intent hereof, it shall be lawful for the justices of peace, or such two or one of them as dwell near, and to the constables of such parish or village where such occasion shall happen, at the request of the party grieved, and they are hereby enjoined, to commit or cause to be committed the party or parties so doing and offending to gaol, till the next sessions, there to be indicted and proceeded against for the same; and that the officers and inhabitants of the village or parish where such offence shall happen, shall be assistant therein; and moreover, the party grieved shall have his action or actions against such offender or offenders, and therein recover his treble damages and treble costs: in which action, no essoin, wager of law, aid-prayer, privilege, protection, imparlance, injunction or order of restraint shall be granted or allowed: and if any person or persons shall (after notice given that the action depending is grounded upon this statute) cause or procure any action at the common law grounded on this statute, to be delayed or stayed before judgment, by colour or means of any order, power, warrant or authority, save only of the court where such action shall be brought and depending, or after judgment had upon such action, shall cause or procure execution of such judgment to be stayed or delayed by colour or means of any order, warrant, power or authority, save only by writ of error or attain, or order of such court where such writ of error or attain shall be depending; that then the person so offending shall incur the pains, penalties and forfeitures ordained and provided by the statute of provision and *premunire* made in the sixteenth year of the reign of king *Richard* the second: provided always, that this act extend not to prejudice any of his majesty's rights, titles or duties of, in or to, or out of any tin in the stannaries of *Devon* and *Cornwall*, nor to prejudice the ancient duties of butlerage and prize of wines; but that the same shall be in the same plight that the same were before the making of this act; any thing herein contained to the contrary in any wise notwithstanding. And now to the intent and purpose that his majesty, his heirs and successors, may receive a full and ample

No pre-emption to be allowed or claimed in behalf of the king, &c.

The penalty.

No action upon this statute to be stayed, but by order of the court where such action depends.

Premunire, 16 R. 2, c. 5. Proviso for the stannaries, butlerage, prize.

Recompence to his majesty for the



court of  
wards and  
purveyances.

recompence and satisfaction, as well for the profits of the said court of wards, and the tenures, wardships, liveries, primer seizins, *ouster le mains*, and other the premises and perquisites incident thereunto; and for all arrears any way due for the same, as also for all and all manner of purveyance and provisions hereinbefore mentioned, and intended to be taken away and abolished; and all sums of money due or pretended to be due or payable for and in respect of any compositions for the same.

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FOR REFERENCE, IF NECESSARY.  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## QUAKERS.

13 & 14 CHARLES 2, CAP. 1.—*An act for preventing the mischiefs and dangers that may arise by certain persons called Quakers and others, refusing to take lawful oaths.*—Whereas of late times certain persons under the names of *Quakers*, and other names of separation, have taken up and maintained sundry dangerous opinions and tenets, and (amongst others) that the taking of an oath in any case whatsoever, although before a lawful magistrate, is altogether unlawful and contrary to the word of God; and the said persons do daily refuse to take an oath, though lawfully tendered, whereby it often happens that the truth is wholly suppressed, and the administration of justice much obstructed: and whereas the said persons, under a pretence of religious worship, do often assemble themselves in great numbers in several parts of this realm, to the great endangering of the public peace and safety, and to the terror of the people, by maintaining a secret and strict correspondence amongst themselves, and in the meantime separating and dividing themselves from the rest of his majesty's good and loyal subjects, and from the public congregations and usual places of divine worship.

Quakers and separatists, denying to take an oath.

II. For the redressing therefore, and better preventing the many mischiefs and dangers that do and may arise by such dangerous tenets and such unlawful assemblies, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, assembled in parliament, and by authority of the same, that if any person or persons, who maintain that the taking of an oath in any case whatsoever, (although before a lawful magistrate) is altogether unlawful, and contrary to the word of God, from and after the four and twentieth day of *March* in this present year of our Lord one thousand six hundred sixty and one, shall wilfully and obstinately refuse to take an oath, where by the laws of the realm he or she is or shall be bound to take the same, being lawfully and duly tendered; or shall endeavour to persuade any other person to whom any such oath shall in like manner be duly and lawfully tendered, to refuse and forbear the taking of the same; or shall by printing, writing or otherwise, go about to maintain and defend that the taking of an oath in any case whatsoever, is altogether unlawful: and if the said persons commonly called *Quakers*, shall at any time after the said four and twentieth day of *March* depart from the places of their several habitations, and assemble themselves to the number of five or more, of the age of sixteen years or upwards, at any one time, in any place, under pretence of joining in a religious worship, not authorized by the laws of this realm; that then in all and every such cases, the party so offending being thereof lawfully convict by verdict of twelve men, or by his own confession, or by the notorious evidence of the fact, shall lose and forfeit to the king's majesty, his heirs and successors, for the first offence, such sum as shall be imposed upon him

The penalty for refusing to take a lawful oath.

The second  
offence.

or her, not exceeding five pounds; and if any person or persons, being once convicted of any such offence, shall again offend therein, and shall in form aforesaid be thereof lawfully convicted, shall for the second offence forfeit to the king our sovereign lord, his heirs and successors, such sum as shall be imposed upon him or her, not exceeding ten pounds: the said respective penalties to be levied by distress and sale of the parties' goods so convicted, by warrant of the parties before whom they shall be so convicted, rendering the over-plus to the owners, if any be; and for want of such distress or non-payment of the said penalty within one week after such conviction, that then the said parties so convicted shall for the first offence be committed to the common gaol or house of correction for the space of three months; and for the second offence, during six months, without bail or mainprize, there to be kept at hard labour; which said monies so to be levied, shall be paid to such person or persons as shall be appointed by those before whom they shall be convicted, to be employed for the increase of the stock of the house of correction to which they shall be committed, and providing materials to set them on work: and if any person after he, in form aforesaid, hath been twice convict of any of the said offences, shall offend the third time, and be thereof, in form aforesaid, lawfully convict, that then every person so offending and convict shall for his or her third offence abjure the realm; or otherwise it shall and may be lawful to and for his majesty, his heirs and successors, to give order, and to cause him, her or them to be transported in any ship or ships, to any of his majesty's plantations beyond the seas.

The third  
offence.  
1 Keb. 825.

Who may  
hear and  
determine  
the offences  
within this  
act.

III. And it is ordained and enacted by the authority aforesaid, that all and every justice of *Oyer* and *Terminer*, justices of assize and gaol delivery, and the justices of the peace, shall have full power and authority in every of their open and general sessions, to inquire, hear and determine all and every the said offences within the limits of their commission to them directed, and to make process for the execution of the same, as they may do against any person being indicted before them of trespass, or lawfully convicted thereof.

IV. And be it also enacted, that it shall and may be lawful to and for any justice of the peace, mayor, or other chief officer of any corporation, within their several jurisdictions, to commit to the common gaol, or bind over with sufficient sureties to the quarter sessions, any person or persons offending in the premises, in order to his or their conviction aforesaid.

How persons  
submitting  
may be dis-  
charged from  
penalties.

V. Provided always, and be it hereby further enacted, that if any of the said persons shall after such conviction as aforesaid, take such oath or oaths, for which he or she stands committed, and also give security, that he or she shall for the time to come forbear to meet in any such unlawful assembly as aforesaid, that then and from thenceforth, such person and persons shall be discharged from all the penalties aforesaid; any thing in this act to the contrary notwithstanding.

Lords of the  
parliament.

VI. Provided always, and be it ordained and enacted by the authority aforesaid, that all and singular lords of the parliament, for every third offence committed against the tenor of this act, shall be tried by their peers, and not otherwise.

1 WILLIAM & MARY, SESS. 1, CAP. 18, SEC. 13.—*An act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws.*—See Title—"DISSENTERS, ENGLAND," vol. ii. p. 538.

3 WILLIAM & MARY, CAP. 2, SECS. 15 & 16.—*An act for the abrogating the oath of supremacy in Ireland, and appointing other oaths.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 439.

6 & 7 WILLIAM 3, CAP. 6, SEC. 63.—*An act for granting to his majesty certain rates and duties upon marriages, births, and burials and upon batchelors, and widowers, for the term of five years, for carrying on the war against France with vigour.*—See Title—"STAMP DUTIES."

7 & 8 WILLIAM 3, CAP. 27, SEC. 12.—*An act for the better security of his majesty's royal person and government.*—See Title—"PROTESTANT SUCCESSION TO THE CROWN," vol. iv. p. 46.

7 & 8 WILLIAM 3, CAP. 34.—*An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form.*—Whereas divers dissenters, commonly called Quakers, refusing to take an oath in courts of justice and other places, are frequently imprisoned, and their estates sequestered, by process of contempt issuing out of such courts, to the ruin of themselves and families: for remedy thereof be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the fourth day of May, which shall be in the year of our Lord one thousand six hundred ninety-six, every Quaker within this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, who shall be required upon any lawful occasion to take an oath, in any case where by law an oath is required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following, viz.

13 & 14 Car.  
2, c. 1.  
1 W. & M.  
c. 18.

Quakers instead of an oath to make the following affirmation.

Carthew 448.

I A. B. do declare, in the presence of Almighty God, the witness of the truth of what I say. 8 Geo. 1, c. 6.

II. Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be, of the same force and effect, to all intents and purposes, in all courts of justice and other places where by law an oath is required within this kingdom of England, dominion of Wales, or town of Berwick-upon-Tweed, as if such Quaker had taken an oath in the usual form.

which is to be of the same force in law as an oath.

III. And be it further enacted by the authority aforesaid, that if any Quaker, making such solemn affirmation or declaration, shall be lawfully convicted, wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury; every such Quaker so offending shall incur the same penalties and forfeitures, as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

Penalty on false affirmation.

IV. And whereas, by reason of a pretended scruple of conscience, Quakers do refuse to pay tithes and church rates; be it enacted by

If Quakers refuse to pay tithes, &c.

justices, on stating what is due, may compel them thereto if the sum be under £10,

the authority aforesaid, that where any *Quaker* shall refuse to pay or compound for his great or small tithes, or to pay any church rates, it shall and may be lawful to and for the two next justices of peace of the same county (other than such justice of the peace as is patron of the church or chapel, whence the said tithes do or shall arise, or any ways interested in the said tithes) upon the complaint of any parson, vicar, farmer, or proprietor of tithes, churchwarden or churchwardens, who ought to have, receive, or collect the same, by warrant under their hands and seals, to convene before them such *Quaker* or *Quakers* neglecting or refusing to pay or compound for the same, and to examine upon oath (which oath the said justices are hereby empowered to administer) or in such manner as by this act is provided, the truth and justice of the said complaint, and to ascertain and state what is due and payable by such *Quaker* or *Quakers* to the party or parties complaining, and by order under their hands and seals, to direct and appoint the payment thereof, so as the sum ordered, as aforesaid, do not exceed ten pounds; and upon refusal by such *Quaker* or *Quakers* to pay according to such order, it shall and may be lawful to and for any one of the said justices, by warrant under his hand and seal, to levy the money thereby ordered to be paid, by distress and sale of the goods of such offender, his executors or administrators, rendering only the overplus to him, her, or them, necessary charges of distraining being thereout first deducted and allowed by the said justice; and any person finding him, her, or themselves aggrieved by any judgment given by such two justices of the peace, shall and may appeal to the next general quarter sessions to be held for the county, riding, city, liberty, or town corporate; and the justices of the peace there present, or the major part of them, shall proceed finally to hear and determine the matter, and to reverse the said judgment, if they shall see cause; and if the justices then present, or the major part of them, shall find cause to continue the judgment given by the first two justices of the peace, they shall then decree the same by order of sessions, and shall also proceed to give such costs against the appellant, to be levied by distress and sale of the goods and chattels of the said appellant, as to them shall seem just and reasonable; and no proceedings or judgment had or to be had by virtue of this act shall be removed or superseded by any writ of *certiorari*, or other writ out of his majesty's courts at *Westminster*, or any other court whatsoever, unless the title of such tithes shall be in question.

Persons aggrieved may appeal to the quarter sessions, who are finally to determine.

If judgment be confirmed to give costs.

No judgment to be superseded by *certiorari*.

No distress till appeal be determined.

Quakers not to be evidence in criminal causes, &c.

This act was made perpetual by 1 Geo. 1, st. 3, c. 6, but is altered by 1 Geo. 1, st. 3, c. 13, s. 4, and 8 Geo. 1, c. 6,

V. Provided always, that in case any such appeal be made as aforesaid, no warrant of distress shall be granted until after such appeal be determined.

VI. Provided, and be it enacted, that no *Quaker* or reputed *Quaker* shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries, or bear any office or place of profit in the government; any thing in this act contained to the contrary in anywise notwithstanding.

VII. Provided, that this act shall continue in force for the space of seven years, and from thence to the end of the next session of parliament, and no longer.

8 & 9 WILLIAM 3, CAP. 28, SEC. 7.—*An act to enforce the act for the increase and encouragement of seamen.*

VII. Be it further enacted by the authority aforesaid, that every master or commander of any ship or vessel, mentioned in the said recited act, being a *Quaker*, may and shall be examined before the said commissioners appointed for registering seamen, or any three or more of them, or their deputy or deputies, and the said commissioners or their deputies may and shall, from time to time, take the solemn affirmation and declaration of such *Quakers* instead of their oath, and in such manner and form as by one act made in the seventh and eighth years of the reign of his majesty is directed, intituled *an act that the solemn affirmation and declaration of the people commonly called Quakers shall be accepted instead of an oath in the usual form*: and such *Quakers* refusing to appear on such summons, or to answer or make such solemn affirmation or declaration before the said commissioners, or their deputy or deputies, shall be deemed offenders, and be liable to the same penalties and forfeitures mentioned in this act for refusing to appear and be examined upon oath, or swear as aforesaid; any thing in this act before to the contrary notwithstanding.

Quakers to make solemn affirmation instead of an oath.

7 & 8 W. 3, c. 34.

13 WILLIAM 3, CAP. 4.—*An act for continuing an act intituled an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form.*—Whereas an act made in the seventh and eighth years of his present majesty's reign, intituled *an act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath in the usual form*, was made to continue for seven years, and from thence to the end of the next sessions of parliament; and the same will expire at the end of the next sessions of parliament after the two and twentieth day of *November* next: now for the further avoiding the inconveniencies in the said act mentioned, to those people and their families, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said recited act, with all the clauses and powers therein contained, shall continue and be in force for and during the term of eleven years after the determination of the said act, and from thence to the end of the next session of parliament.

continued for eleven years.

6 ANNE, CAP. 23, SECS. 18 & 14.—*An act to make further provision for electing and summoning sixteen peers of Scotland to sit in the house of peers in the parliament of Great Britain; and for trying peers for offences committed in Scotland; and for the further regulating of voters in elections of members to serve in parliament.*

XIII. Be it further enacted by the authority aforesaid, that every person who shall refuse to take the oath last hereinbefore recited, or being a *Quaker* shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty king *William*, intituled *an act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath in usual form*, (which oath or declaration the sheriff, president of the meeting, or chief

Persons refusing to take oath or Quaker to make affirmation, &c. incapable of voting for election of member, &c. 7 & 8 W. 3, c. 34.

officer taking the poll, at any election of members to serve in the house of commons for any place in *Great Britain*, or commissioners for choosing burgesses for any place in *Scotland*, at the request of any candidate or other person present at such election, are hereby empowered and required to administer) shall not be capable of giving any vote for the election of any such member to serve in the house of commons for any place in *Great Britain*, or commissioners to choose a burgess for any place in *Scotland*.

Quakers declaring on their affirmation not liable to penalties by 6 Anne, c. 14. 7 & 8 W. 3, c. 34.

XIV. Provided always, and be it enacted by the authority aforesaid, that if any person being a *Quaker*, shall refuse to take the said oath, being tendered to him in pursuance of an act made in this present session of parliament, intituled *an act for the better security of her majesty's person and government*, but shall instead thereof, declare the effect of the said oath, upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty king *William the third*, intituled *an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in usual form*, which affirmation shall be administered to such *Quaker* instead of the said oath, such *Quaker* shall not be liable to any the penalties or forfeitures for refusing the said oath when tendered to him, contained or mentioned in the said act, intituled *an act for the better security of her majesty's person and government*.

6 Anne, c. 14.

1 GEORGE 1, STAT. 2, CAP. 6.—*An act for making perpetual an act of the seventh and eighth years of the reign of his late majesty king William the third*, intituled an act that the solemn affirmation and declaration of the people called *Quakers*, shall be accepted instead of an oath in the usual form; and for explaining and enforcing the said act in relation to the payment of tithes and church rates; and for appointing the form of an affirmation to be taken by the said people called *Quakers*, instead of the oath of abjuration.—Whereas an act made in the seventh and eighth years of his late majesty's reign, intituled *an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form*, was made to continue for seven years, and from thence to the end of the next session of parliament, which act would have expired at the end of the next session of parliament after the two and twentieth day of *November* in the year of our Lord one thousand seven hundred and two; which session began the ninth day of *November* in the year of our Lord one thousand seven hundred and three, and ended the third day of *April* in the year of our Lord one thousand seven hundred and four; but by another act of parliament made in the thirteenth year of his said late majesty's reign, intituled *an act for continuing an act*, intituled *an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the usual form*, was continued for the term of eleven years after the determination of the said act, and from thence to the end of the next session of parliament: and whereas the said several acts will expire at the end of the next session of parliament after the third day of *April* one thousand seven hundred and fifteen: now for the further avoiding of the inconveniencies in the said first recited act mentioned, to the people called *Quakers*, and

7 & 8 W. 3, c. 34.

13 & 14 W. 3, c. 4.

their families, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, that the said first recited act, and all the clauses and powers therein contained, shall continue and be in force for ever, as to all oaths by law required, or hereafter to be required, other than and except as in the said first recited act is excepted.

The act 7 & 8  
W. 3, made  
perpetual.  
8 Geo. 1, c. 6.

II. And whereas by the said act made in the seventh year of the reign of king *William* the third, a remedy is provided for the recovery of tithes and church rates, where any *Quaker* should refuse to pay the same: be it enacted by the authority aforesaid, that such remedy shall be and is hereby extended, and the like remedy shall and may be had and used against any *Quaker* or *Quakers* for the recovering of any tithes or rates, or any customary or other rights, dues or payments belonging to any church or chapel, which of right by law and custom ought to be paid for the stipend or maintenance of any minister, or curate officiating in any church or chapel; and any two or more justices of the peace of the same county or place, other than such justice of the peace as is patron of any such church or chapel, or any ways interested in the said tithes, upon complaint of any person, vicar, curate, farmer, or proprietor of such tithes, or any churchwarden or chapel warden, or other person who ought to have, receive or collect any such tithes, rates, dues or payments, as aforesaid, are hereby authorized and required to summon in writing, under their hands and seals, by reasonable warning, such *Quaker* or *Quakers*, against whom such complaint shall be made, and after his or their appearance, or upon default of appearance, the said warning or summons being proved before them upon oath, to proceed to hear and determine the said complaint, and to make such order therein, as in the said act is limited or directed; and also to order such costs and charges, as they shall think reasonable, not exceeding ten shillings, as upon the merits of the cause shall appear just; which order shall and may be so executed, and on such appeal may be reversed or affirmed by the general quarter sessions of the county, or place, with such costs and remedy for the same, and shall not be removed into any other court, unless the titles of such tithes, dues or payments, shall be in question, in like manner as in and by the same act is limited and provided.

Clause for  
the recovery  
of tithes, &c.  
from Quakers  
7 & 8 W. 3,  
c. 34.

III. And whereas several disputes have arisen concerning the effect of the abjuration to be taken by the people called *Quakers*, upon their solemn affirmation, as directed by an act of parliament made in the sixth year of her late majesty's reign: now for preventing the like inconveniencies for the future, be it enacted by the authority aforesaid, that in all cases wherever the effect of the said abjuration oath may be legally tendered, or required of the said people called *Quakers*, or any of them, he or they shall take the effect thereof in the following words (that is to say),

Concerning  
the solemn  
affirmation  
to be taken  
by Quakers  
instead of the  
abjuration  
oath.  
6 Anne, c. 23.

I *A. B.* do truly and sincerely acknowledge, profess, testify and declare, in the presence of Almighty God, the witness of the truth of what I say, that king *George* is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do

The affir-  
mation.



believe the person pretended to be the prince of *Wales*, during the life of the late king *James*, and since his decease, pretending to be, and taking upon himself the style and title of the king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful, and bear true allegiance to king *George*, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown or dignity. And I will do my best endeavour to disclose and make known to king *George*, and his successors, all treasons and traitorous conspiracies which I shall know to be made against him, or any of them. And I will be true and faithful to the succession of the crown against him the said *James*, and all other persons whatsoever, as the same is and stands settled by an act, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*, to the late queen *Anne*, and the heirs of her body, being protestants; and as the same, by one other act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands settled and entailed, after the decease of the said late queen, and for default of issue of the said late queen, to the late princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body, being protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, renunciation and promise heartily, willingly and truly.

1 W. & M.  
sess. 2, c. 2.

12 & 13 W. 3.  
c. 2.

This act,  
as to the  
affirmation,  
to extend to  
Scotland for  
ever, and to  
the planta-  
tions for five  
years, and  
thence to the

IV. Provided always, that so much of this act as relates to the affirmations to be made by the people called *Quakers*, shall be extended to that part of *Great Britain* called *Scotland* for ever, and to the plantations belonging to the crown of *Great Britain* for five years, and to the end of the next session of parliament after the said five years, and no longer.

8 GEORGE 1, CAP. 6.—*An act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under.*—Whereas for giving some ease to scrupulous consciences, an act was made in the first year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws*, whereby (among other things) a declaration of fidelity, in the form therein expressed, is appointed to be made and subscribed by certain persons, dissenters from the church of *England*, who scruple the taking of any oath: and whereas an act was made in the seventh and eighth years of the reign of his said late majesty king *William* the third, intituled *an act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath in the*

1 W. & M.  
sess. 1, c. 18.

7 & 8 W. 3.  
c. 34.

usual form, under the provisions therein mentioned, which act being at first temporary, was afterwards further continued by an act made in the thirteenth and fourteenth years of the reign of his said late majesty, and the same act is made perpetual by an act made in the first year of his present majesty's reign, by which last mentioned act a form, importing the effect of the abjuration oath, is prescribed to be taken by the said people called *Quakers*: and whereas the inconveniences to the said people called *Quakers*, and their families, and to others requiring their testimony, in many cases are not sufficiently avoided, by reason of difficulties among the said *Quakers*, relating to the forms of the declaration, affirmation and abjuration before mentioned, as the same are now prescribed: and whereas it is evident, that the said people called *Quakers*, have not abused the liberty and indulgence allowed to them by law, and they have given testimony of their fidelity and affection to his majesty, and the settlement of the crown in the protestant line, and it is reasonable to give them further ease and relief: may it therefore please your most excellent majesty, that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in all cases, where by law any *Quaker* is or shall be required or permitted to make and subscribe the declaration of fidelity in the form prescribed by the said first mentioned act, or to make the solemn affirmation or declaration in the form prescribed by the said act of the seventh and eighth years of the reign of his said late majesty king *William* the third, or to take the effect of the abjuration oath in the form prescribed by the said act of the first year of his present majesty's reign, every such *Quaker*, shall instead of such first mentioned declaration of fidelity, make and subscribe a declaration of fidelity in the following words, viz.

Where any Quaker is permitted to make the declaration of fidelity required by 1 W. & M. sess. 1, c. 18, or the affirmation prescribed by 7 & 8 W. 3, c. 34, or to make the effect of the abjuration enjoined by 1 Geo. 1, st. 2, c. 6, he shall make the following declaration of fidelity.

I *A. B.* do solemnly and sincerely promise and declare, that I will be true and faithful to king *George*; and do solemnly, sincerely and truly profess, testify and declare, that I do from my heart abhor, detest and renounce, as impious and heretical, that wicked doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of *Rome*, may be disposed or murdered by their subjects or any other whatsoever. And I do declare, that no foreign prince, person, prelate, state or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm.

And instead of the solemn affirmation or declaration, in the form prescribed by the said act of the seventh and eighth years of the reign of his said late majesty king *William* the third, every such *Quaker* shall make the solemn declaration or affirmation following, viz.

I *A. B.* do solemnly, sincerely and truly declare and affirm.

And instead of the form prescribed by the said act of the first year of his present majesty's reign, for the effect of the abjuration oath, every such *Quaker* shall take the effect thereof in the following words, viz.

The declaration.

And instead of the affirmation in 7 & 8 W. 3, shall make the following affirmation.

The affirmation.

And instead of the form of the abjuration by 1 Geo. 1, st. 2, c. 6, shall take the effect thereof as follows.

Effect of the  
abjuration  
oath.

**I** *A. B.* do solemnly, sincerely and truly acknowledge, profess, testify and declare, that king *George* is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging; and I do solemnly and sincerely declare, that I do believe the person pretended to be the prince of *Wales*, during the life of the late king *James*, and since his decease, pretending to be, and taking upon himself the style and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath not any right or title whatsoever to the crown of this realm, nor any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to him. And I do solemnly promise, that I will be true and faithful, and bear true allegiance to king *George*, and to him will be faithful against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown or dignity. And I will do my best endeavour to disclose and make known to king *George*, and his successors, all treasons and traitorous conspiracies, which I shall know to be made against him or any of them. And I will be true and faithful to the succession of the crown against him the said *James*, and all other persons whatsoever, as the same is and stands settled by an act, intituled *an act declaring the rights and liberties of the subject, and settling the succession of the crown*, to the late queen *Anne*, and the heirs of her body, being protestants; and as the same, by one other act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands settled and entailed, after the decease of the said late queen, and for default of issue of the said late queen, to the late princess *Sophia*, electoress and duchess dowager of *Hanover*, and the heirs of her body being protestants. And all these things I do plainly and sincerely acknowledge, promise and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion or secret reservation whatsoever. And I do make this recognition, acknowledgment, renunciation and promise, heartily, willingly and truly.

1 W. & M.  
sess. 2, c. 2.

12 & 13 W. 3.  
c. 2.

The persons  
required to  
administer  
the former  
declaration,  
shall admini-  
ster the same  
in the words  
appointed by  
this act.

Declaration,  
&c. appoint-  
ed hereby to  
be of the  
same force,  
as if taken  
in the forms  
prescribed  
by the form-  
er acts.

And all persons authorized or required to administer or tender, either the said form or declaration of fidelity, or the said former solemn affirmation or declaration, or the former effect of the abjuration oath aforesaid, shall be and are hereby authorized and required to administer and tender the same respectively to the said people called *Quakers*, in the words by this act respectively appointed.

**II.** And be it further enacted by the authority aforesaid, that the declaration of fidelity and solemn affirmation or declaration, and the effect of the abjuration oath, appointed by this act for the said people called *Quakers*, instead of the respective forms prescribed for the same by the said recited acts, shall respectively be adjudged and taken to be of such and the same force and effect, and no other, to all intents and purposes, in all courts of justice and elsewhere, as if such *Quaker* had made and subscribed the declaration of fidelity, or had made the solemn affirmation or declaration, or had taken the effect of the abjuration oath, in the respective forms appointed by

the said recited acts : and if any person making such affirmation or declaration, as is appointed by this act to be made, instead of the affirmation or declaration in the form prescribed by the before mentioned act of the seventh and eighth years of the reign of his said late majesty king *William* the third, shall be lawfully convicted of wilful, false and corrupt affirming or declaring any matter or thing, which if sworn in the common or usual form, would have amounted to wilful and corrupt perjury ; every such person so offending shall incur and suffer such and the same pains, penalties and forfeitures, as are inflicted or enacted by the laws and statutes of this realm, against persons convicted of wilful and corrupt perjury.

Persons convicted of false affirming, &c. liable to the pains of wilful perjury. 7 & 8 W. 3, c. 34.

III. Provided always, that all clauses, provisos and exceptions, contained in the said recited acts or any of them, not hereby expressly altered or repealed, shall be of such and the same force and effect, as they were before the making of this act.

All clauses, &c. in the recited acts, not hereby altered, to remain in force.

10 GEORGE 1, CAP. 4.—*An act for explaining and amending an act of the last session of parliament, intituled an act to oblige all persons, being papists, in that part of Great Britain called Scotland, and all persons in Great Britain, refusing or neglecting to take the oaths appointed for the security of his majesty's person and government, by several acts herein mentioned, to register their names and real estates, and for enlarging the time for taking the said oaths, and making such registers, and for allowing further time for the enrolment of deeds or wills made by papists, which have been omitted to be enrolled, pursuant to an act of the third year of his majesty's reign ; and also for giving relief to protestant lessees.*—See Title—"PAPISTS," vol. iii. p. 531.

12 GEORGE 2, CAP. 13, SEC. 8.—*An act for continuing the act made in the eighth year of the reign of her late majesty queen Anne, to regulate the price and assize of bread ; and for continuing, explaining and amending the act made in the second year of the reign of his present majesty, for the better regulation of attornies and solicitors.*

VIII. Be it enacted by the authority aforesaid, that any person being one of the people called *Quakers* who may have served, or shall hereafter serve, a clerkship with an attorney or solicitor, and shall be qualified as by the said act before is required, shall, upon taking his solemn affirmation instead of the oaths thereby directed to be taken, before such judges and others who are hereby authorized and required to administer the said affirmation, be admitted and enrolled as an attorney or solicitor, as if he had taken the said oaths ; any thing in the said act to the contrary notwithstanding.

Quakers to be enrolled upon their affirmation.

13 GEORGE 2, CAP. 7, SECS. 1 & 2.—*An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his majesty's colonies in America.*—See Title—"PROTESTANTS, FOREIGN, NATURALIZED," vol. iv. p. 32.

22 GEORGE 2, CAP. 46, SECS. 36 & 37.—*An act ..... for allowing Quakers to make affirmation in cases where an oath is or shall be required.*

XXXVI. Whereas a doubt hath arisen, whether the solemn affirmation or declaration of the people called *Quakers*, prescribed by an act made in the eighth year of the reign of his late majesty king *George* the first, intituled an act for granting the people called

8 Geo. 1, c. 6.

Affirmation  
of Quakers  
allowed in all  
cases in lieu  
of an oath  
required by  
act of parlia-  
ment.

Penalty on  
false affirm-  
ing.

Notto extend  
to criminal  
cases, &c.

Quakers, such forms of affirmation or declaration as may remove the difficulties which many of them lie under, can be allowed and taken instead of an oath, in any case wherein by any act or acts of parliament an oath is required, unless the said affirmation or declaration be by such act or acts of parliament particularly and expressly directed to be allowed and taken instead of such oath; by reason of which doubt the testimony of the said people called *Quakers*, is frequently refused, whereby the said people, and others requiring their evidence, are subjected to great inconveniences: therefore for removing the said doubt, be it enacted and declared by the authority aforesaid, that in all cases wherein by any act or acts of parliament now in force, or hereafter to be made, an oath is or shall be allowed, authorized, directed or required, the solemn affirmation or declaration of any of the people called *Quakers*, in the form prescribed by the said act made in the eighth year of his said late majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such act or acts; and all persons who are or shall be authorized or required to administer such oath, shall be, and are hereby authorized and required to administer the said affirmation or declaration; and the said solemn affirmation or declaration, so made as aforesaid, shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places, where by law an oath is or shall be allowed, authorized, directed or required, as if such *Quaker* had taken an oath in the usual form; and if any person making such affirmation or declaration, shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any matter or thing, which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending shall incur and suffer the like pains, penalties and forfeitures, as by the laws and statutes of this realm are to be inflicted on persons convicted of wilful and corrupt perjury.

XXXVII. Provided nevertheless, and be it enacted, that no *Quaker* shall, by virtue of this act, be qualified or permitted to give evidence in any criminal cases, or to serve on juries, or to bear any office or place of profit in the government; any thing herein contained to the contrary notwithstanding.

6 GEORGE 3, CAP. 53.—*An act for altering the oath of abjuration and the assurance; and for amending so much of an act of the seventh year of her late majesty queen Anne, intituled an act for the improvement of the union of the two kingdoms, as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason, or misprision of treason.*—See Title—"OATHS OF ALLEGIANCE, SUPREMACY, AND ABJURATION," vol. iii. p. 452.

51 GEORGE 3, CAP. 15, SEC. 72.—*An act for enabling his majesty to direct the issue of exchequer bills to a limited amount, for the purposes and in manner therein mentioned.*

Affirmations. LXXII. Be it further enacted, that in all cases where an oath may be administered by this act, it shall be lawful to administer an affirmation in lieu thereof, as the case may require.

53 GEORGE 3, CAP. 127, SEC. 6.—*An act for the better regulation of ecclesiastical courts in England; and for the more easy recovery of church rates and tithes.*—See Title—"ECCLESIASTICAL COURTS, ENGLAND," vol. iii. p. 6.

4 GEORGE 4, CAP. 95, SECS. 32 & 33.—*An act to explain and amend an act passed in the third year of the reign of his present majesty, to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England.*

XXXII. Be it further enacted, that no person who shall after the passing of this act be chosen or appointed a trustee or a commissioner by or under any act or acts for making or maintaining any turnpike road, shall act as such trustee or commissioner, unless he shall, before he shall act as such (except in administering the oath or affirmation hereinafter mentioned), take and subscribe before one or more of the said trustees or commissioners (who is and are hereby empowered to administer the same) the oath or affirmation following; that is to say,

[A. B. do swear, [or, being one of the people called *Quakers*, do solemnly affirm], that I will truly and impartially, according to the best of my judgment, execute and perform the several powers, authorities and trusts reposed in me as a trustee [or commissioner] by virtue of an act passed in the third year of the reign of his majesty king *George* the fourth, intituled *an act to amend the general laws now in being for regulating turnpike roads in that part of Great Britain called England*; and also an act passed in the fourth year of the reign of his said majesty, intituled [here set forth the title of this act]; and also an act passed in the year of the reign of his majesty intituled [here set forth the title of the act under which such trustee or commissioner shall claim to act.] So help me God. [Or, being a Quaker, omit the words So help me God.]

And if any such person shall act (except as aforesaid) before he shall have taken and subscribed the said oath or affirmation, every such person shall for every such offence forfeit and pay the sum of fifty pounds, with full costs of suit, to any person or persons who shall inform or sue for the same in any of his majesty's courts of record at *Westminster*, by action of debt, or on the case, bill, suit or information, wherein no essoin, protection or wager of law, or more than one imparlance shall be allowed: provided always, that no act or proceeding touching the execution of the said act of the third year of the reign of his present majesty, or this act, or any act for making or maintaining any turnpike road, which shall be done or performed by any such person who shall have omitted or neglected to take and subscribe the said oath or affirmation by this act prescribed, shall be thereby impeached or rendered nugatory; but all such proceedings shall be as valid and effectual as if such person had taken such oath or affirmation previously to his having acted as such trustee or commissioner as aforesaid.

XXXIII. And be it further enacted, that if any person being a Quaker shall have been or shall hereafter be appointed or elected, by or under any act or acts of parliament for making, repairing or maintaining any turnpike road, a trustee or commissioner of such road, and shall be in other respects qualified according to the

Trustees to be sworn.

Acting without oath. Penalty £50 and costs of suit.

Proceedings under recited act valid, though oath omitted under this act.

Quakers making affirmation may act as trustees.

provisions of the said recited act, it shall and may be lawful for such person, on taking and subscribing the affirmations in the said recited act and this act contained, to act as a trustee or commissioner in execution of the act or acts by or under which such person shall be appointed or elected, without being subject or liable to any penalty or forfeiture by such act or acts imposed for acting as a trustee or commissioner, not having taken and subscribed the oaths therein contained.

9 GEORGE 4, CAP. 17.—*An act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's Supper as a qualification for certain offices and employments.*—See Title—"ABOLITION OF SACRAMENTAL TEST," vol. i. p. 87.

Quakers or Moravians required to give evidence may, instead of an oath, make their solemn affirmation, which shall be of the same effect in all cases civil or criminal.

9 GEORGE 4, CAP. 32, SEC. 1.—*An act for amending the law of evidence in certain cases.*—Whereas it is expedient that *Quakers* and *Moravians* should be allowed to give evidence upon their solemn affirmation in all cases, criminal as well as civil; and that, in prosecutions for forgery, the party interested should be rendered a competent witness: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every *Quaker* or *Moravian* who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following; that is to say, "I *A. B.* do solemnly, sincerely, and truly declare and affirm;" which said affirmation or declaration shall be of the same force and effect in all courts of justice, and other places where by law an oath is required, as if such *Quaker* or *Moravian* had taken an oath in the usual form; and if any person making such affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject.

Quakers and Moravians permitted to make a solemn affirmation or declaration instead of an oath.

3 & 4 WILLIAM 4, CAP. 49.—*An act to allow Quakers and Moravians to make affirmation in all cases where an oath is or shall be required.*—Whereas it is expedient and reasonable that the solemn affirmation of persons of the persuasion of the people called *Quakers*, and of *Moravians*, should be allowed in all cases, where an oath is or shall be required; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every person of the persuasion of the people called *Quakers*, and every *Moravian*, be permitted to make his or her solemn affirmation or declaration, instead of taking an oath, in all places and for all purposes whatsoever where an oath is or shall be required either by the common law or by any act of parliament already made or hereafter to be made, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form;

and if any such person making such solemn affirmation or declaration shall be lawfully convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing, which if the same had been in the usual form would have amounted to wilful and corrupt perjury, he or she shall incur the same penalties and forfeitures as by the laws and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury, any law, statute, or custom to the contrary notwithstanding: provided always, that every such affirmation or declaration shall be in the words following; (that is to say),

I *A. B.* being one of the people called *Quakers* [or one of the persuasion of the people called *Quakers*, or of the united brethren called *Moravians*, as the case may be], do solemnly, sincerely, and truly declare and affirm. Penalty on affirming or declaring falsely.  
Form of declaration.

II. And whereas some doubts may arise as to the form of the affirmation to be taken in lieu of the oath of abjuration by persons of the persuasion of the people called *Quakers*; be it therefore enacted, that instead of the form of affirmation prescribed in lieu of the abjuration oath by an act of the eighth year of the reign of his late majesty king *George* the first, intituled *an act for granting the people called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under*, and instead of the form of the oath of abjuration prescribed by an act of the sixth year of the reign of his late majesty king *George* the third, intituled *an act for altering the oath of abjuration and the assurance, and for amending so much of an act of the seventh year of her late majesty queen Anne, intituled an act for the improvement of the union of the two kingdoms, as after the time therein limited requires the delivery of certain lists and copies therein mentioned to persons indicted of high treason or misprision of treason*, every person of the persuasion of the people called *Quakers* shall be permitted to make his or her solemn affirmation in the following words; (*videlicet*), Form of affirmation in lieu of oath of abjuration.  
8 G. 1, c. 6.  
6 G. 3, c. 53.

I *A. B.* [being one of the people called *Quakers*, [or one of the persuasion of the people called *Quakers*, or of the united brethren called *Moravians*, as the case may be], do solemnly, sincerely, and truly acknowledge, profess, testify and declare, that king *William* is lawful and rightful king of this realm, and of all other his dominions and countries thereunto belonging: and I do solemnly and sincerely declare, that I do believe that not any of the descendants of the person who pretended to be prince of *Wales* during the life of the late king *James* the second, and since his decease pretended to be and took upon himself the style and title of king of *England* by the name of *James* the third, or of *Scotland* by the name of *James* the eighth, or the style and title of king of *Great Britain*, hath any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging; and I do renounce and refuse any allegiance or obedience to any of them: and I do solemnly promise, that I will be true and faithful and bear true allegiance to king *William*, and to him will be faithful against all traitorous conspiracies and attempts whatsoever which shall be made against his person, crown, or dignity; and I will do my best endeavour to disclose and make known to king *William* and his successors all



treasons and traitorous conspiracies which I shall know to be made against him or any of them; and I will be true and faithful to the succession of the crown, against the descendants of the said *James*, and against all other persons whatsoever, which succession by an act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia* electoress and duchess dowager of *Hanover*, and the heirs of her body, being protestants: and all these things I do plainly and sincerely acknowledge, promise, and declare, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever: and I do make this recognition, acknowledgment, renunciation, and promise heartily, willingly, and truly.

1 VICTORIA, CAP. 5.—*An act for the relief of Quakers, Moravians, and separatists elected to municipal offices.*—Whereas in consequence of the conscientious scruples of persons of the persuasion of the people called *Quakers*, of *Moravians*, and separatists, the declaration 9 G. 4, c. 17. prescribed by an act of the ninth year of king *George* the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*, on accepting office in municipal corporations, operates as a practical grievance, and to a certain extent as a disfranchisement of persons under the influence of those scruples, to the manifest detriment of themselves and their fellow subjects: and whereas no mischief or inconvenience is likely to arise from affording such relief in relation to these matters, as is hereinafter mentioned: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that instead of the declarations required to be subscribed in the recited act of the ninth year of king *George* the fourth, and in an act of the fifth and sixth years of king *William* the fourth, intituled *an act for the regulation of municipal corporations in England and Wales*, respectively, every person of the persuasion of the people called *Quakers*, and every *Moravian*, and separatist, entertaining such conscientious scruples as aforesaid, be permitted to make the following declaration on accepting office in any municipal corporation as mayor, alderman, or councillor:

Instead of the declaration required by 9 G. 4, c. 17, and 5 & 6 W. 4, c. 78, the following declaration to be made.

Declaration.

I *A. B.* being one the people called *Quakers* [or one of the persuasion of the people called *Quakers*, or of the united brethren called *Moravians*, or of the denomination called separatists, as the case may be], having conscientious scruples against subscribing the declaration contained in an act passed in the ninth year of the reign of king *George* the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*, do solemnly, sincerely, and truly declare and affirm, that I will not exercise any power or authority or influence which I may possess by virtue of the office of \_\_\_\_\_ to injure or weaken the protestant church as it is by law established in *England*, nor to

disturb the said church, or the bishops and clergy of the said church, in the possession of any right or privileges to which such church or the said bishops and clergy may be by law entitled.

II. And be it enacted, that such affirmation or declaration shall be of the same force and effect as if the person making it had made or subscribed the declarations aforesaid as contained in the said act of the ninth year of the reign of king *George* the fourth and the fifth and sixth years of king *William* the fourth respectively.

1 VICTORIA, CAP. 15.—*An act for the further relief of Quakers, Moravians, and separatists.*—Whereas by an act passed in this present session of parliament, intituled *an act for the relief of Quakers, Moravians, and separatists elected to municipal offices*, it is enacted that every person of the persuasion of the people called *Quakers*, and every *Moravian* and separatist, entertaining conscientious scruples against making and subscribing the declaration prescribed by the act of the ninth year of the reign of his late majesty king *George* the fourth, intituled *an act for repealing so much of several acts as imposes the necessity of receiving the sacrament of the Lord's supper as a qualification for certain offices and employments*, may, on accepting office in any municipal corporation as mayor, alderman, or councillor, instead of making such declaration, be permitted to make the declaration in the said act of this present session mentioned: and whereas the relief given by the said last mentioned act may safely be extended in manner hereinafter mentioned; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every person being of the persuasion of the people called *Quakers*, or being a *Moravian* or separatist, and entertaining such conscientious scruples as aforesaid, who has been or shall be placed, elected, or chosen in or to the office of recorder, bailiff, town clerk, or common councilman, or any office of magistracy, or place, trust, or employment relating to the government of any city, corporation, borough, or cinque port within *England* and *Wales*, or the town of *Berwick-upon-Tweed*, or who has been or shall be admitted into any office or employment, or has accepted or shall accept from her majesty, her heirs or successors, any patent, grant, or commission, may, instead of making and subscribing the declaration prescribed by the said act of the ninth year of the reign of his said late majesty king *George* the fourth, make and subscribe the declaration contained in the said act of this present session of parliament; and every such person so making and subscribing such last mentioned declaration shall have the same rights, powers, and authorities which he would have had if he had made and subscribed the declaration contained in the said act of the ninth year of the reign of his said late majesty king *George* the fourth: provided always, that every declaration to be made by virtue of this act shall be made and subscribed before the same person or persons, or court, and within the same time, and shall be preserved in the same manner, as by the said act of the ninth year of the reign of his said late majesty king *George* the fourth is directed as to the declaration therein mentioned.

Such declaration to be of the same force as that in 9 G. 4, c. 17.

1 Vict. c. 5.

9 G. 4, c. 17.

Instead of the declaration required by the act 9 G. 4, c. 17, that contained in the act of the present session may be taken by Quakers, Moravians, or separatists elected to office in any corporation.

7 & 8 W. 3,  
c. 34.

Certain persons may make affirmation in lieu of oath;

if convicted of having falsely affirmed, to be punished as if guilty of perjury.

Form of declaration.

1 & 2 VICTORIA, CAP. 77.—*An act for permitting affirmation to be made instead of an oath in certain cases.*—Whereas by an act passed in the reign of king William the third, intituled *an act that the solemnization, affirmation, and declaration of the people called Quakers shall be received instead of an oath in the usual form*, reciting that divers dissenters, commonly called *Quakers*, refusing to take an oath in courts of justice and other places, are frequently imprisoned and their estates sequestered by process of contempt issuing out of such courts, to the ruin of themselves and families, it is enacted, that every *Quaker* on every occasion (except on criminal trials) where an oath is by law required shall be permitted to make solemn affirmation and declaration in lieu thereof: and whereas the same privilege has by subsequent acts of parliament been extended in all cases to the persons called *Quakers* and *Moravians*: and whereas it is expedient and fitting that the aforesaid privilege should be extended to such persons as have been *Quakers* and *Moravians*, but have ceased to belong to either of such religious denominations of christians, still continuing nevertheless to entertain conscientious objections to the taking of an oath: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for any person who shall have been a *Quaker* or a *Moravian* to make solemn affirmation and declaration in lieu of taking an oath, as fully as it would be lawful for any such person to do if he still remained a member of either of such religious denominations of christians, which said affirmation or declaration shall be of the same force and effect as if he or she had taken an oath in the usual form; and if any such person making such solemn affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject: provided always, that every such affirmation or declaration shall be in the words following; that is to say,

I *A. B.*, having been one of the people called *Quakers*, [or one of the persuasion of the people called *Quakers*, or of the united brethren called *Moravians*, as the case may be], and entertaining conscientious objections to the taking of an oath, do solemnly, sincerely, and truly declare and affirm.

4 & 5 VICTORIA, CAP. 37.—*An act for the more easy recovery of arrears of compositions for tithes from persons of the persuasion of the people called Quakers in Ireland.*—See Title—"TITHES, IRELAND."

SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

RATES AND DUTIES.—See Title—"STAMP DUTIES."

## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

6 & 7 WILLIAM 3, CAP. 6, SEC. 24.—*In an act, intituled an act, for granting to their majesties certain duties upon burials, &c.*—See Title—"BURIALS," vol. i. p. 371.

7 & 8 WILLIAM 3, CAP. 35, SEC. 5.—*An act for the enforcing the laws which restrain marriages without licence or banns, and for the better registering marriages, births and burials.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 272.

26 GEORGE 2, CAP. 33, SECS. 14—16.—*An act for the better preventing of clandestine marriages.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 277.

21 GEORGE 3, CAP. 53, SECS. 3 & 4.—*An act to render valid certain marriages, solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act, made in the twenty-sixth year of king George the second, intituled an act for the better preventing of clandestine marriages.*—See Title—"MARRIAGES, ENGLAND, vol. iii. p. 280.

23 GEORGE 3, CAP. 67.—*An act for granting to his majesty a stamp duty on the registry of burials, marriages, births and christenings.*—See Title—"STAMP DUTIES."

25 GEORGE 3, CAP. 75.—*An act to extend the provisions of an act, made in the twenty-third year of his present majesty's reign, for granting to his majesty a stamp duty on the registry of burials, marriages, births, and christenings, to the registry of burials, births, and christenings of protestant dissenters from the church of England.*—See Title—"STAMP DUTIES."

34 GEORGE 3, CAP. 11.—*An act for repealing the duties on the registry of burials, births, marriages, and christenings.*—See Title—"STAMP DUTIES."

44 GEORGE 3, CAP. 77, SECS. 3 & 4.—*An act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act made in the twenty-sixth year of the reign of his late majesty king George the second, intituled an act for the better preventing of clandestine marriages.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 281.

48 GEORGE 3, CAP. 127, SECS. 3 & 4.—*An act to render valid certain marriages solemnized in certain churches and public chapels in which banns had not usually been published before or at the time of passing an act made in the twenty-sixth year of the reign of his late majesty king George the second, intituled an act for the better preventing of clandestine marriages.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 282.

Officiating ministers to keep registers of public and private baptisms of marriages and of burials. Parishes to provide suitable books for that purpose.

52 GEORGE 3, CAP. 146.—*An act for the better regulating and preserving parish and other registers of births, baptisms, marriages and burials in England.*—Whereas the amending the manner and form of keeping and of preserving registers of baptisms, marriages and burials, of his majesty's subjects in the several parishes and places in *England*, will greatly facilitate the proof of pedigrees of persons claiming to be entitled to real or personal estates, and be otherwise of great public benefit and advantage; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the thirty-first day of *December* one thousand eight hundred and twelve, registers of public and private baptisms, marriages and burials, solemnized according to the rights of the united church of *England* and *Ireland*, within all parishes or chapelries in *England*, whether subject to the ordinary or peculiar, or other jurisdiction, shall be made and kept by the rector, vicar, curate or officiating minister of every parish, (or of any chapelry where the ceremonies of baptism, marriage and burial have been usually and may according to law be performed) for the time being, in books of parchment, or of good and durable paper, to be provided by his majesty's printer as occasion may require, at the expense of the respective parishes or chapelries; whereon shall be printed, upon each side of every leaf, the heads of information herein required to be entered in the registers of baptisms, marriages and burials respectively, and every such entry shall be numbered progressively from the beginning to the end of each book, the first entry to be distinguished by number one; and every such entry shall be divided from the entry next following by a printed line, according to the forms contained in the schedules (A.) (B.) (C.) hereto annexed; and every page of every such book shall be numbered with progressive numbers, the first page being marked with the number 1 in the middle of the upper part of such page, and every subsequent page being marked in like manner with progressive numbers, from number 1 to the end of the book.

King's printer to transmit to each parish a printed copy of act, and register books adapted to forms prescribed.

II. And, for better ensuring the regularity and uniformity of such register books, be it further enacted, that a printed copy of this act, together with one book so prepared as aforesaid, and adapted to the form of the register of baptisms prescribed in the schedule (A.) to this act annexed; and also one other book so prepared as aforesaid, and adapted to the form prescribed for the register of marriages in the schedule (B.) to this act annexed; and also one other book so prepared as aforesaid, and adapted to the form prescribed for the register of burials in the schedule (C.) to this act annexed, shall, as soon as conveniently may be after the passing of this act, be provided and transmitted by his majesty's printer to the officiating ministers of the several parishes and chapelries in *England* respectively, who are hereby required to use and apply the same in and to the purposes of this act; and such books respectively shall be proportioned to the population of the several parishes and chapelries, according to the last returns of such population made under the authority of parliament; and other books of like form and quality

shall for the like purposes be furnished from time to time by the churchwardens or chapelwardens of every parish or chapelry, at the expense of the said parish or chapelry, whenever they shall be required by the rector, vicar, curate or officiating minister to provide the same; and all such books shall be of paper, unless required to be of parchment by such churchwardens or chapelwardens respectively.

III. And be it further enacted, that such registers shall be kept in such separate books aforesaid, and that every such rector, vicar, curate or officiating minister shall as soon as possible after the solemnization of every baptism, whether private or public, or burial respectively, record and enter in a fair and legible handwriting, in the proper register book to be provided, made and kept as aforesaid, the several particulars described in the several schedules hereinbefore mentioned, and sign the same; and in no case, unless prevented by sickness, or other unavoidable impediment, later than within seven days after the ceremony of any such baptism or burial shall have taken place.

Registers in separate register books.

IV. And be it further enacted, that whenever the ceremony of baptism or burial shall be performed in any other place than the parish church or churchyard of any parish (or the chapel or chapel-yard of any chapelry, providing its own distinct registers) and such ceremony shall be performed by any minister not being the rector, vicar, minister or curate of such parish or chapelry, the minister who shall perform such ceremony of baptism or burial shall, on the same or on the next day, transmit to the rector, vicar or other minister of such parish or chapelry, or his curate, a certificate of such baptism, or burial in the form contained in the schedule (D.) to this act annexed, and the rector, vicar, minister or curate of such parish or chapelry, shall thereupon enter such baptism or burial according to such certificate in the book kept pursuant to this act for such purpose; and shall add to such entry the following words, "according to the certificate of the reverend  
transmitted to me on the \_\_\_\_\_ day of \_\_\_\_\_."

Certificate of baptism, &c. when performed in other place than parish church, &c. according to schedule (D.) Entry of baptism, &c. distinguished accordingly.

V. And be it further enacted, that the several books wherein such entries shall respectively be made, and all register books heretofore in use, shall be deemed to belong to every such parish or chapelry respectively, and shall be kept by and remain in the power and custody of the rector, vicar, curate or other officiating minister of each respective parish or chapelry as aforesaid, and shall be by him safely and securely kept in a dry well-painted iron chest, to be provided and repaired as occasion may require, at the expense of the parish or chapelry, and which said chest containing the said books shall be constantly kept locked in some dry, safe and secure place within the usual place of residence of such rector, vicar, curate or other officiating minister, if resident within the parish or chapelry, or in the parish church or chapel; and the said books shall not, nor shall any of them be taken or removed from or out of the said chest, at any time or for any cause whatever, except for the purpose of making such entries therein as aforesaid, or for the inspection of persons desirous to make search therein, or to obtain copies from or out of the same, or to be produced as evidence in some court of law, or equity, or to be inspected as to the state and condition thereof,

Register books kept in custody of officiating minister, in iron chest, provided at expense of parish.

or for some of the purposes of this act; and that immediately after making such respective entries, or producing the said books respectively for the purposes aforesaid, the said books shall forthwith again be safely and securely deposited in the said chest.

Annual  
copies of re-  
gisters made:  
and verified  
by officiating  
minister.

VI. And be it further enacted, that at the expiration of two months after the thirty-first day of *December* one thousand eight hundred and thirteen, and at the expiration of two months after the end of every subsequent year, fair copies of all the entries of the several baptisms, marriages and burials, which shall have been solemnized or shall have taken place within the year preceding, shall be made by the rector, vicar, curate or other resident or officiating minister, (or by the churchwardens, chapelwardens, clerk or other person duly appointed for the purpose, under and by the direction of such rector, vicar, curate or other resident or officiating minister) on parchment, in the same form as prescribed in the schedules hereunto annexed (to be provided by the respective parishes); and the contents of such copies shall be verified and signed in the form following, by the rector, vicar, curate or officiating minister of the parish or chapelry to which such respective register book shall appertain:

**I** *A. B.* rector [*or, as the case may be*] of the parish of *C.* [*or, of the chapelry of D.*] in the county of *E.* do hereby solemnly declare, that the several writings hereto annexed, purporting to be copies of the several entries contained in the several register books of baptisms, marriages and burials, of the parish or chapelry aforesaid, from the                      day of                      to the                      day of                      are true copies of all the several entries in the said several register books respectively from the said                      day of                      to the said                      day of                      ; and that no other entry during such period is contained in any of such books respectively, are truly made according to the best of my knowledge and belief. Signed                      *A. B.*

Which declaration shall be fairly written, without any stamp, on the said copy immediately after the last entry therein; and the signature to such declaration shall be attested by the churchwardens or chapelwardens, or one of them, of the parish or chapelry to which such register books shall belong.

Annual  
copies of re-  
gister books  
transmitted  
to registrar  
of diocese.

VII. And be it further enacted, that copies of the said register books, verified and attested as aforesaid, shall, whether such parish or chapelry shall be subject to the ordinary, peculiar or other jurisdiction, be transmitted by such churchwardens or chapelwardens, after they, or one of them, shall have signed the same, by the post, to the registrars of each diocese in *England* within which the church or chapel shall be situated, on or before the first day of *June* one thousand eight hundred and fourteen, and on or before the first day of *June* in every subsequent year.

Registrars to  
make reports  
to bishops,  
whether cop-  
ies have  
been sent in.

VIII. And be it further enacted, that the registrar of every diocese in *England* shall, on or before the first day of *July* one thousand eight hundred and fourteen, and on or before the first day of *July* in every subsequent year, make a report to the bishop of such diocese, whether the copies of the registers of the baptisms, marriages and burials, in the several parishes and places within such diocese have

been sent to such registrar, in the manner and within the time herein required; and in the event of any failure of the transmission of the copies of the registers as herein required, by the churchwardens and chapelwardens of any parish or chapelry in *England*, the registrar shall state the default of the parish or chapelry, specially in his report to the bishop.

IX. And be it further enacted, that in case the rector, vicar or other officiating minister or curate of any parish or chapelry shall neglect or refuse to verify and sign such copies of such several register books, and such declaration as aforesaid, so that the churchwardens or chapelwardens shall not be able to transmit the same, as required by this act, such churchwardens or chapelwardens shall, within the time required by this act for the transmission thereof, certify such default to the registrar of the diocese within which such parish or chapelry shall be, who shall specially state the same in his report to the bishop of such diocese.

Officiating minister neglecting to verify copies of register books, churchwardens to certify default.

X. And, for the obtaining of returns and registers of baptisms and burials in extra-parochial places in *England*, where there is no church or chapel, be it further enacted, that in all cases of the baptism of any child, or the burial of any person in any extra-parochial place in *England*, according to the rites of the established church, where there is no church or chapel, it shall be lawful for the officiating minister, within one month after such baptism or burial, to deliver to the rector, vicar or curate of such parish immediately adjoining to the place in which such baptism or burial shall take place, as the ordinary shall direct, a memorandum of such baptism or burial, signed by such parent of the child baptized, or a memorandum of such burial, signed by the person employed about the same, together with two of the persons attending the same, according as the nature of the case may respectively require; and every such memorandum respectively shall contain all such particulars as are hereinbefore required; and every such memorandum delivered to the rector, vicar or curate of any such adjoining parish or chapelry, shall be entered in the register of his parish, and form a part thereof.

Places where no church, &c. memorandum of baptisms, &c. delivered to officiating minister of adjoining parish.

XI. And be it further enacted, that the superscription upon all letters and packets containing the copies of such parish or other registers, to be transmitted by the post to the several offices of the said registrars as aforesaid, shall be endorsed and signed by the churchwardens or chapelwardens of every respective parish and chapelry in *England*, in the form contained in schedule (E.); and that all such letters and packets shall be carried and conveyed by means of his majesty's post office to, and be delivered at the offices of the said registrars, without postage or other charge being paid or payable for the same.

Letters, &c. containing annual copies of register books free of postage.

XII. And be it further enacted, that when and so often as the copies of the said register books of baptisms, marriages and burials as aforesaid, and also the said lists of births, baptisms, marriages or burials as aforesaid, shall be transmitted to the office of the said registrars respectively, as aforesaid, pursuant to the directions hereinbefore contained for that purpose, the said registrars shall respectively cause all the said books and lists to be safely and securely deposited, kept and preserved from damage or destruction

Annual copies of register books when transmitted to registrars, kept from damage.



Alphabetical  
lists.

by fire or otherwise, and to be carefully arranged for the purpose of being resorted to as occasion may require; and the said registrars respectively shall also cause correct alphabetical lists to be made and kept in books suitable to the purpose, of the names of all persons and places mentioned in such books and lists as shall have been transmitted to the said registrars respectively, which alphabetical lists and books, and also the copies of registers and lists so transmitted to the said registrars as aforesaid, shall be open to public search at all reasonable times on payment of the usual fees.

Report to  
privy council  
on or before  
1st March  
1813, respec-  
ting proper  
places for  
preservation  
of copies of  
register  
books, "as  
well as origi-  
nal wills in  
each diocese;  
and for re-  
muneration  
of registrars'  
officers.

XIII. And whereas in many dioceses the places wherein the copies of the parochial registers of baptisms, marriages and burials, as well as the original wills proved within the same respectively are kept, are insufficient for their being preserved with due care; for which a remedy should be applied in those dioceses where it shall be found necessary; be it further enacted, that, in order to a due examination thereof, the bishop, together with the *custodes rotulorum* of the several counties within each diocese, and the chancellor thereof, shall, before the first day of *February* one thousand eight hundred and thirteen, cause a careful survey to be made of the several places in which the parochial registers, and the wills proved within the diocese, are kept; and shall make a report to his majesty's most honorable privy council, of the state of the same, on or before the first day of *March* following, setting forth in each case whether the buildings are in all respects fit and proper for the preservation of papers of the above description, as well with respect to space as to security from fire, and to protection from damp, and if not, at what probable expense they can be made so; and where the instruments and papers before mentioned are kept in dwellinghouses, or other places, which cannot be made fit and secure for the due preservation thereof, then and in such case the persons before named shall inquire and report in like manner at what expense proper buildings may be provided, and in what places, so as to have one place within each diocese for the due preservation of all such registers and wills; together with their opinion upon the most suitable mode of remunerating the officers employed in each registry, for their additional trouble and expense in carrying the provisions of this act into execution.

False entries  
or false  
copies of  
entries, or  
altering, &c.  
register book

XIV. And be it further enacted, that if any person shall knowingly and wilfully insert, or cause, or permit to be inserted in any such register book of such baptisms, burials or marriages as aforesaid, or in any such copy of any such register so directed to be transmitted to the registrars as aforesaid, or in any such lists or declarations also directed to be transmitted to such registrars as aforesaid, any false entry of any matter or thing relating to any baptism, burial or marriage, or shall falsely make, alter, forge or counterfeit, or cause or procure, or wilfully permit to be falsely made, altered, forged or counterfeited, any part of any such register, list or declaration, or of any such copy of any such register; or shall wilfully destroy, deface or injure, or cause or procure, or permit to be destroyed, defaced or injured, any such register book, or any part thereof; or shall knowingly and wilfully sign, or certify any copy of any such register

hereby required to be transmitted as aforesaid, which shall be false in any part thereof, knowing the same to be false; every person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall be transported for the term of fourteen years.

Transportation.

XV. Provided always, and be it enacted, that no rector, vicar, curate or officiating minister of any parish or chapel, who shall discover any error to have been committed in the form or substance of the entry in the register book of any such baptism, burial or marriage, respectively by him solemnized, shall be liable to all or any of the penalties herein mentioned, if he shall within one calendar month after the discovery of such error, in the presence of the parent or parents of the child whose baptism may have been entered in such register, or of the parties married, or in the presence of two persons who shall have attended at any burial, or in case of the death or absence of the respective parties aforesaid, then in the presence of the churchwardens or chapelwardens, (who shall respectively attest the same) alter and correct the entry which shall have been found erroneous, according to the truth of the case, by entry in the margin of the book wherein such erroneous entry shall have been made, without any alteration or obliteration of the original entry, and shall sign such entry in the margin, and add to such signature the day of the month and year when such correction shall be made: provided also, that in the fair copy of the registers respectively which shall be transmitted to the registrars of the dioceses, the said rector, vicar, curate or officiating minister shall certify the alterations so made by him as aforesaid.

Persons committing accidental errors not affected, if duly corrected according to truth of case.

XVI. Provided always, that nothing in this act contained shall in any manner diminish or increase the fees heretofore payable or of right due to any minister for the performance of any of the before mentioned duties, or to any minister or registrar, for giving copies of such registrations, but that all due legal and accustomed fees on such occasions, and all powers and remedies for recovery thereof, shall be and remain as though this act had not been made.

Fees heretofore payable

Proviso for.

XVII Provided also, and be it enacted, that no duplicate or copy of any register of baptism, marriage or burial, made under the directions and for the purposes of this act, shall be chargeable with any stamp duty thereon; any act now in force to the contrary thereof in anywise notwithstanding.

Copy of register books not subject to stamp duty.

XVIII. And be it further enacted, that one half of the amount of all fines or penalties to be levied in pursuance of this act shall go to the person who shall inform or sue for the same; and the remainder of such fines as shall be imposed on any churchwarden or chapelwarden shall go to the poor of the parish or place for which such churchwarden or chapelwarden shall serve; and the remainder of such fines as shall be imposed on any rector, vicar, minister or curate or registrar, shall be paid and applied to such charitable purposes, in the county within which the parish or place shall be, as shall be appointed and directed by the bishop of the diocese.

Application of penalties.

XIX. And be it further enacted, that the rector, vicar, curate or officiating minister of every parish and chapel in *England*, whether subject to the ordinary, peculiar or other jurisdiction, shall transmit

List of extant register books transmitted

to registrar  
before 1st  
June 1813.

to the registrar of the diocese in which the parish or chapelry shall be situated, before the first day of *June* one thousand eight hundred and thirteen, a list of all registers which now are in such parish or chapelry respectively, stating the periods at which they respectively commence and terminate, the periods (if any) for which they are deficient, and the places where they are deposited.

Act to extend  
to churches  
and chapels  
not parochial

XX. And be it further enacted, that all and every the provisions in this act shall extend, so far as circumstances will permit, to cathedral and collegiate churches, and chapels of colleges or hospitals, and the burying grounds belonging thereto; and to the ministers who shall officiate in such cathedral or collegiate churches, and chapels of colleges or hospitals, and burying grounds respectively, and shall baptize, marry or bury any person or persons, although such cathedral or collegiate churches or chapels of colleges or hospitals, or the burying grounds belonging thereto, may not be parochial, or the ministers officiating therein may not be, as such, parochial ministers, and there shall be no churchwarden or churchwardens thereof; and in all such cases, the books hereinbefore directed to be provided, shall be provided at the expense of the body having right to appoint the officiating minister in every such cathedral or collegiate church or chapel of a college or hospital; and copies thereof shall be transmitted to the registrar of the diocese within which such cathedral or collegiate church or chapel of a college or hospital shall be, by the officiating minister of such church, in like manner as is herein directed with respect to parochial ministers, and shall be attested by two of the officers of such church, college or hospital, as the copies of parochial registers are herein directed to be attested by churchwardens: provided always, that nothing in this act contained shall extend to repeal any provision contained in an act passed in the twenty-sixth year of the reign of his late majesty king *George* the second, intituled, *an act for better preventing clandestine marriages*.

Marriage act  
36 G. 2, c. 33.  
Provide for.

*Schedules to which this Act refers.*

SCHEDULE (A.)

1.

Baptisms solemnized in the parish of *St. A.* in the county of *B.*  
in the year one thousand eight hundred and thirteen.

When Baptized.	Child's Christian Name.	Parents Name.		Abode.	Quality, Trade or Profession.	By whom the Ceremo- ny was per- formed.
		Christian	Surname.			
1813. 1st February No. 1.	John Son of	William Elizabeth		Lambeth		
3rd March No. 2.	Ann Daughter of	Henry Martha		Fulham		

## SCHEDULE (B.)

## 1.

Marriages solemnized in the parish of *St. A.* in the county of *B.*  
in the year one thousand eight hundred and thirteen.

*A. B.* of  $\left\{ \begin{array}{l} \textit{the} \\ \textit{this} \end{array} \right\}$  Parish  
and *C. D.* of  $\left\{ \begin{array}{l} \textit{the} \\ \textit{this} \end{array} \right\}$  Parish  
were married  $\left\{ \begin{array}{l} \textit{church} \\ \textit{chapel} \end{array} \right\}$  in this  $\left\{ \begin{array}{l} \textit{banns} \\ \textit{licence} \end{array} \right\}$  by  $\left\{ \begin{array}{l} \textit{guardians} \\ \textit{parents} \end{array} \right\}$  with consent of  
this day of in the year  
By me, *I. I.*  $\left\{ \begin{array}{l} \textit{rector} \\ \textit{vicar} \\ \textit{curate} \end{array} \right\}$   
This marriage was solemnized between us  $\left\{ \begin{array}{l} \textit{A. B.} \\ \textit{C. D.} \end{array} \right\}$   
In the presence of  $\left\{ \begin{array}{l} \textit{E. F.} \\ \textit{G. H.} \end{array} \right\}$

## SCHEDULE (C.)

## 1.

Burials in the parish of *A.* in the county of *B.* in the year one  
thousand eight hundred and thirteen.

Name.	Abode.	When Buried.	Age.	By whom the ceremony was performed.
<i>John Wilson</i> No. 1.	<i>Duke Street,</i> <i>Westminster.</i>	1813. 1st May.	62	

## SCHEDULE (D.)

I do hereby certify, that I did on the  
day of baptize according to the rites of the  
united church of *England* and *Ireland*, son (or daughter)  
of and his wife by the name of  
To the rector [*or, as the case may be*] of

I do hereby certify, that on the  
day of *A. B.* of aged was  
buried in [*stating the place of burial*], and that the ceremony of  
burial was performed according to the rites of the united church of  
*England* and *Ireland*, by me,  
To the rector [*or, as the case may be*] of

## SCHEDULE (E.)

To the registrar of the diocese of  
at

A. B. } Churchwardens (or chapelwardens) of the parish (or  
C. D. } chapelry) of [or such other  
description as the case shall require.]

4 GEORGE 4, CAP. 76.—*An act for amending the laws respecting the solemnization of marriages in England.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 291.

6 & 7 WILLIAM 4, CAP. 86.—*An act for registering births, deaths and marriages in England.*—Whereas it is expedient to provide the means for a complete register of the births, deaths, and marriages of his majesty's subjects in *England*: and whereas an act passed in 52 G. 3, c. 146. in the fifty-second year of the reign of his late majesty king *George* the third, intituled *an act for the better regulating parish and other registers of births, baptisms, marriages, and burials in England*, and 4 G. 4, c. 76. also an act passed in the fourth year of the reign of his late majesty king *George* the fourth, intituled *an act for amending the laws respecting the solemnization of marriages in England*, are insufficient for the purpose aforesaid: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the first day of *March* in the year one thousand eight hundred and thirty-seven so much of the said acts as relates to the registration of marriages shall be repealed.

So much of recited acts as relates to registration of marriages repealed.

General registry office to be provided in London or Westminster

II. And be it enacted, that it shall be lawful for his majesty to provide a proper office in *London* or *Westminster*, to be called "The general register office," for keeping a register of all births, deaths, and marriages of his majesty's subjects in *England*, and to appoint for the said office under the great seal of the united kingdom a registrar general of births, deaths, and marriages in *England*, and from time to time at pleasure to remove the said registrar general, and appoint some other person in his room.

Lord treasurer or lords commissioners of his majesty's treasury to appoint officers and fix salary.

III. And be it enacted, that the lord treasurer or lords commissioners of his majesty's treasury, or any three of them, or the registrar general, subject to the approval of the said lords commissioners, shall appoint from time to time such officers, clerks, and servants as they shall deem necessary to carry on the business of the general registry office, and at pleasure remove them or any of them; and the said lord treasurer or lords commissioners shall fix the salary of the registrar general, so that the same shall not at any time exceed the sum of one thousand pounds yearly, and shall fix the salaries of the officers, clerks, and servants in fit proportion according to the duties they may have to perform.

Salaries to be paid out of the consolidated fund.

IV. And be it enacted, that the salaries of the registrar general, and of the said officers, clerks, and servants, and the amount of the sums hereinafter provided to be paid to the superintendent registrars for every entry in the certified copies of the registers, and all expenses of carrying on the business of the general registry office not

herein otherwise provided for, shall be paid by the said lord treasurer or lords commissioners of his majesty's treasury out of the consolidated fund of the united kingdom of *Great Britain and Ireland*.

V. And be it enacted, that one of his majesty's principal secretaries of state, or the registrar general with the approbation of such principal secretary, from time to time may make regulations for the management of the said register office, and for the duties of the registrar general, clerks, officers, and servants of the said office, and of the registrars, deputy registrars, and superintendent registrars hereinafter mentioned, in the execution of this act, so that they be not contrary to the provisions herein contained; and the regulations so made and approved shall be binding on the said registrar general, clerks, officers, and servants, and on the registrars, deputy registrars, and superintendent registrars.

Regulations for conduct of officers to be framed under direction of secretary of state.

VI. And be it enacted, that the registrar general shall send once in every year to one of the principal secretaries of state a general abstract of the numbers of births, deaths, and marriages registered during the foregoing year, in such form as the said secretary from time to time shall require; and every such annual general abstract shall be laid before parliament within one month after receipt thereof, or after the meeting of parliament.

Annual abstract of registers to be laid before parliament.

VII. And be it enacted, that the guardians of every union declared under the provisions of an act passed in the fifth and sixth years of his present majesty, intituled *an act for the amendment and better administration of the laws relating to the poor in England and Wales*, and also of every parish or place in which a board of guardians shall have been established under the provisions of the last-named act, shall, on or before the first day of *October* in this year, if the said board of guardians shall have been established before the passing of this act, or within three calendar months next after the establishment of the board, if the said board shall not have been established before the passing of this act, divide the union or the parish or place of which they are the guardians into such and so many districts as they, subject to the approval of the registrar general, shall think fit; and every such division when made shall be published by the guardians within the union, parish, or place of which they are guardians, in such manner as the said registrar general shall direct; and every such district shall be called by a distinct name, and shall be a registrar's district; and the guardians shall appoint a person, with such qualifications as the registrar general may by any general rule declare to be necessary, to be registrar of births and deaths within each district, and in every case of vacancy in the office of registrar shall forthwith fill up the vacancy; and the clerk to the guardians of every such union, parish, or place shall, if he shall think fit to accept such office, and have such qualifications as the registrar general may by any general rule declare to be necessary, be the superintendent registrar thereof; and in the event of his refusal or disqualification to act in that capacity, the guardians shall appoint a person, with such qualifications as the registrar general may by any general rule declare to be necessary, to be the superintendent registrar of each union, or of such parish or place, and in every case of vacancy of the office of superintendent

Districts to be formed, and registrars and superintendent registrars to be appointed 4 & 5 W. 4, c. 76.

registrar shall forthwith fill up the vacancy: and every registrar and superintendent registrar shall hold his office during the pleasure of the registrar general.

Officers of unions, &c. being dismissed by guardians, &c. to cease to act under this act.

VIII. Provided always, and be it enacted, that in every case in which the clerk to the guardians of any union, parish, or place, or any other officer of any such union, parish, or place, shall hold any office under this act, and shall be removed by the poor law commissioners from his office in such union, parish, or place, and in every case in which any registrar or superintendent registrar shall be removed by the registrar general from his office under this act, notice of such removal shall be forthwith given by advertisement in some newspaper circulating in the county wherein the district for which such officer may act shall be; and every such person shall thenceforth cease to hold his office under this act, and shall be incapable of being re-appointed thereto: provided also, that the appointment of any officer of any such union, parish, or place to any office under this act shall be subject to the approval of the poor law commissioners, except as hereinbefore directed with respect to the clerk to guardians of any such union, parish, or place.

Register offices to be provided in each union.

IX. And be it enacted, that the guardians shall provide and uphold, out of the monies coming to their hands or control as such guardians, a register office, according to a plan to be approved by the registrar general, for preserving the registers to be deposited therein, as hereinafter provided; and the care of the said office and the custody of the registers deposited therein shall be given to the superintendent registrar of the union or parish or place having a board of guardians as aforesaid.

Temporary registrars and superintendent registrars to be appointed for parishes not under the poor law act.

X. And be it enacted, that the poor law commissioners for *England* and *Wales* shall, as soon as may be after the said first day of *October*, form all the parishes, townships, and places in *England*, in or for which a board of guardians shall not have been then established under the provisions of the said act for the amendment of the laws relating to the poor, into temporary districts, having regard in the formation thereof to the boundaries of parishes and townships, and shall appoint a registrar to each of such temporary districts, subject to being displaced as hereinafter provided; and the registrar general shall appoint a sufficient number of fit persons to be superintendent registrars for such temporary districts, subject to being displaced as hereinafter provided, and shall appoint the districts which each shall superintend.

In case of subsequent unions previous appointments to be vacated.

XI. And be it enacted, that in every case in which a board of guardians shall be established, under the provisions of the said act for the amendment of the laws relating to the poor, in or for any parish, township, or place forming part of any temporary district in or for which a registrar or superintendent registrar shall have been previously appointed as last aforesaid, and as soon as a registrar or registrars shall have been appointed for the districts into which the guardians shall have divided the union or parish or place of which they are guardians as aforesaid, and the clerk of the guardians of such union, parish or place shall have accepted the office of superintendent registrar, or the said guardians shall have appointed a superintendent registrar for such districts, in like manner as in the

unions formed before the passing of this act, every such parish or place shall cease to be a part of the temporary district to which it was so annexed by the poor law commissioners, and every registrar, deputy registrar, and superintendent registrar appointed before the election of such board of guardians as aforesaid in or for such parish, township, or place shall cease to hold their respective offices, so far as relates to such parish, township, or place, unless re-appointed.

XII. And be it enacted, that for every district for which a registrar of births and deaths shall be appointed by the guardians as aforesaid the registrar shall have power, subject to the approval of such guardians, and for every district for which a registrar shall be appointed by the said poor law commissioners, such registrar shall have power, subject to the approval of such commissioners, to appoint by writing under his hand a fit person to act as his deputy in case of the illness or unavoidable absence of such registrar; and every such deputy registrar whilst so acting shall have all the powers and duties and be subject to all the provisions and penalties herein declared concerning registrars, and in case of the death of the registrar shall act as registrar until another registrar is appointed; and every registrar shall be civilly responsible for the acts or omissions of his deputy.

Deputy registrars to be appointed

XIII. And be it enacted, that the appointments of registrars, deputy registrars, and superintendent registrars, and the duplicates and certified copies of registers hereinafter mentioned, shall be exempt from all stamp duties.

Appointments to be exempt from stamp duties

XIV. And be it enacted, that the registrar general shall furnish to every superintendent registrar, for the use of the registrars under his superintendence, a sufficient number of strong iron boxes to hold the register books to be kept by such registrar; and every such box shall be furnished with a lock and two keys, and no more; and one of such keys shall be kept by the registrar, and the other key shall be kept by the superintendent registrar; and the register books of each district, while in the custody of the registrar and not in use, shall be always kept in the register box, and the register box shall always be left locked.

Register boxes to be provided.

XV. And be it enacted, that in every case in which any registrar or superintendent registrar shall be removed from or cease to hold the said office, all register boxes, keys, books, documents, and papers in his possession as such registrar or superintendent registrar shall be given as soon as conveniently may be to his successor in office; and if any person shall refuse to give up any such box, key, books, documents, or papers in such case as aforesaid, it shall be lawful for any justice of the peace for the county or other jurisdiction where such person shall be or reside, upon application made for that purpose, to issue a warrant under his hand and seal for bringing such person before any two justices of the peace for the said county or other jurisdiction, and upon such person appearing, or not being found, it shall be lawful for such justices to hear and determine the matter in a summary way; and if it shall appear to the justices that any such box, key, books, documents, or papers are in the custody or power of any such person, and that he has refused or wilfully neglected to deliver the same, the said justices are hereby required

All books, &c. to be transferred on removal of registrar.



to commit such offender to the common gaol or house of correction for the said county or jurisdiction, there to remain without bail until he shall have delivered up the same, or until satisfaction shall have been given in respect thereof to the person in whose custody the same ought to be; and the said justices may grant a warrant to search for such box, key, books, documents, or papers, as in the case of stolen goods, in any dwellinghouse or other premises in which any credible witness shall prove upon oath before them that there is reasonable cause to suspect the same to be; and the same when found shall be delivered to the person in whose custody they ought to be.

Registrar and deputy to dwell in the district, and their names and additions to be put on their dwelling houses.

XVI. And be it enacted, that every registrar and deputy registrar shall dwell within the district of which he is registrar or deputy registrar, and shall cause his name, with the addition of registrar or deputy registrar (as the case may be) for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwellinghouse; and the superintendent registrar shall cause to be printed and published in the districts which he shall superintend a list of the name and place of abode of every registrar and deputy registrar under his superintendence.

Register books to be provided.

XVII. And be it enacted, that the registrar general shall cause to be printed on account of the said register office a sufficient number of register books for making entries of all births, deaths, and marriages of his majesty's subjects in *England*, according to the forms of schedules (A.) (B.) (C.) to this act annexed; and the said register books shall be of durable materials, and in them shall be printed upon each side of every leaf the heads of information herein required to be known and registered of births, deaths, and marriages respectively; and every page of each of such books shall be numbered progressively from the beginning to the end, beginning with number one; and every place of entry shall be also numbered progressively from the beginning to the end of the book, beginning with number one; and every entry shall be divided from the following entry by a printed line.

Registrars to register births and deaths.

XVIII. And be it enacted, that the registrar general shall furnish to every superintendent registrar, for the use of the registrars under his superintendence, a sufficient number of register books of births and register books of deaths, and of forms for certified copies thereof, as hereinafter provided, at a reasonable price, to be fixed from time to time by one of his majesty's principal secretaries of state, the cost whereof shall be borne by the union, parish, or place in or for which the superintendent registrar is appointed, and shall be paid by the guardians or by the churchwardens and overseers (as the case may be), out of the monies coming to their hands or control as such guardians or churchwardens and overseers, to the registrar, and shall be accounted for by him to the registrar general; and every registrar shall be authorized and is hereby required to inform himself carefully of every birth and every death which shall happen within his district after the said first day of *March*, and to learn and register as soon after the event as conveniently may be done, without fee or reward save as hereinafter mentioned, in one of the said books,

the particulars required to be registered according to the forms in the said schedules (A.) and (B.) respectively touching every such birth or every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

XIX. And be it enacted, that the father or mother of any child born, or the occupier of every house or tenement in *England* in which any birth or death shall happen, after the said first day of *March*, may, within forty-two days next after the day of such birth or within five days after the day of such death respectively, give notice of such birth or death to the registrar of the district; and in case any new-born child or any dead body shall be found exposed, the overseers of the poor in the case of the new-born child, and the coroner in the case of the dead body, shall forthwith give notice and information thereof, and of the place where such child or dead body was found, to the registrar; and for the purposes of this act the master or keeper of every gaol, prison, or house of correction, or workhouse, hospital, or lunatic asylum, or public or charitable institution, shall be deemed the occupier thereof.

Parents or occupiers of houses in which births or deaths happen, and overseers and coroners in cases of foundlings or exposed dead bodies to give notice to the registrar.

XX. And be it enacted, that the father or mother of every child born in *England* after the said first day of *March*, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within forty-two days next after the day of every such birth, give information, upon being requested so to do, to the said registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

Parent or occupier of house required to give particulars of birth so far as known.

XXI. And be it enacted, that if any child of an *English* parent shall be born at sea on board of a *British* vessel, the captain or commanding officer of the vessel on board of which the said child shall have been born shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the register touching the birth of such child, so far as the same may be known, and the name of the vessel wherein the birth took place, and shall, on the arrival of such vessel in any port of the united kingdom, or by any other sooner opportunity, send a certificate of the said minute through the post-office to the registrar general, who shall file the same, and enter a copy thereof under his hand in a book to be kept for that purpose in "The general register office," to be called the "Marine register book," and shall keep the said book with the other registers, according to the provisions of this act.

Registry of children born at sea.

XXII. And be it enacted, that after the expiration of forty-two days following the day of the birth of any child it shall not be lawful for any registrar to register such birth, save as hereinafter is next mentioned; provided, that in case the birth of any child shall not have been registered according to the provisions hereinbefore contained, it shall be lawful for any person present at the birth of such child, or for the father or guardian thereof, at any time within six calendar months next after the birth, to make a solemn declaration of the particulars required to be known touching the birth of such child, according to the best of his or her knowledge and belief, and

As to registry after the expiration of forty-two days from the birth of the child.

it shall thereupon be lawful for the said registrar then and there, in the presence of the superintendent registrar, to register the birth of the said child according to the information of the person making the said declaration; and in every such case the superintendent registrar before whom the said declaration is made shall sign the entry of the birth as well as the registrar, and for every such registry as last aforesaid the superintendent registrar shall be entitled to have a fee of two shillings and sixpence from the person requiring the same to be registered; and the registrar, over and above the fee hereinafter enacted in respect of every birth registered by him, shall be entitled, unless the delay shall have been occasioned by his default, to have a fee of five shillings from the person requiring the same to be registered; and no register of births shall be given in evidence to prove the birth of any child wherein it shall appear that forty-two days have intervened between the day of the birth and the day of the registration of the birth of such child, unless the entry shall be signed by the superintendent registrar; and every person who shall knowingly register or cause to be registered the birth of any child, otherwise than hereinbefore is last mentioned, after the expiration of forty-two days following the day of the birth of such child, shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

Births not to be registered after six months.

XXIII. And be it enacted, that after the expiration of six calendar months following the birth of any child it shall not be lawful for any registrar to register the birth of such child, and no register of births, except in the case of children born at sea, shall be given in evidence to prove the birth of any child wherein it shall appear that six calendar months have intervened between the day of the birth and the day of the registration of the birth of such child; and every person who shall knowingly register or cause to be registered the birth of any child after the expiration of six calendar months following the day of the birth of such child shall forfeit and pay for every such offence a sum not exceeding fifty pounds.

Name given in baptism may be registered within six months after registration of birth.

XXIV. And be it enacted, that if any child born in *England* whose birth shall have been registered as aforesaid, shall within six calendar months next after it shall have been so registered, have any name given to it in baptism, the parent or guardian of such child, or other person procuring such name to be given, may, within seven days next after such baptism, procure and deliver to the registrar or superintendent registrar, in whose custody the register of the birth of the child may then happen to be, a certificate, according to the form of schedule (G.) to this act annexed, signed by the minister who shall have performed the rite of baptism, which certificate such minister is hereby required to deliver immediately after the baptism, whenever the same shall be then demanded, on payment of the fee of one shilling, which he shall be therefore entitled to receive; and the said registrar or superintendent registrar, upon receipt of such certificate and on the payment of the fee of one shilling which he shall be therefore entitled to receive, shall, without any erasure of the original entry, forthwith register therein that the child was baptized by such name, and the registrar shall thereupon certify upon the said certificate the additional entry so made, and shall forthwith

send the said certificate through the post office to the registrar general.

XXV. And be it enacted, that some person present at the death or in attendance during the last illness of every person dying in *England* after the said first day of *March*, or in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information, upon being requested so to do, to the said registrar, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person: provided always, that in every case in which an inquest shall be held on any dead body the jury shall inquire of the particulars herein required to be registered concerning the death, and the coroner shall inform the registrar of the finding of the jury, and the registrar shall make the entry accordingly.

Some person present at death, or occupier of house, required to give particulars of death, so far as known.

Registrar to make entry of finding of jury upon coroners inquests.

XXVI. And be it enacted, that if any of his majesty's *English* subjects shall die at sea on board of a *British* vessel the captain or commanding officer of the vessel on board of which such death shall have happened shall forthwith make a minute of the several particulars hereinbefore required to be inserted in the register touching such death, so far as the same may be known, and the name of the vessel wherein the death took place, and shall, on the arrival of such vessel in any port of the united kingdom, or by any other sooner opportunity, send a certificate of the said minute through the post office to the registrar general, who shall file the same, and enter a copy thereof under his hand in the marine register book, and keep the same with the other registers, according to the provisions of this act.

Registry of persons dying at sea.

XXVII. And be it enacted, that every registrar, immediately upon registering any death, or as soon thereafter as he shall be required so to do, shall, without fee or reward, deliver to the undertaker or other person having charge of the funeral a certificate under his hand, according to the form of schedule (E.) to this act annexed, that such death has been duly registered, and such certificate shall be delivered by such undertaker or other person to the minister or officiating person who shall be required to bury or to perform any religious service for the burial of the dead body, and if any dead body shall be buried for which no such certificate shall have been so delivered, the person who shall bury or perform any funeral or any religious service for the burial shall forthwith give notice thereof to the registrar: provided always, that the coroner, upon holding any inquest, may order the body to be buried, if he shall think fit, before registry of the death, and shall in such case give a certificate of his order in writing under his hand, according to the form of schedule (F.) to this act annexed, to such undertaker or other person having charge of the funeral which shall be delivered as aforesaid; and every person who shall bury or perform any funeral or any religious service for the burial of any dead body for which no certificate shall have been duly made and delivered as aforesaid, either by the

Registrar to give certificate of registry of death to undertaker, who shall deliver the same to the minister or officiating person.

Coroner may order body to be buried, and give certificate thereof.

No dead body to be buried without certificate of registry or of inquest.

registrar or coroner, and who shall not within seven days give notice thereof to the registrar, shall forfeit and pay any sum not exceeding ten pounds for every such offence.

penalty, £10.

Register to be signed by the informant.

XXVIII. And be it enacted, that every person by whom the information contained in any register of birth or death under this act shall have been given shall sign his name, description, and place of abode in the register; and no register of birth or death according to this act shall be given in evidence which shall not be signed by some person professing to be the informant, and to be such party as is herein required to give such information to the registrar.

Registrars to make out accounts quarterly.

Guardians or overseers to pay registrars.

XXIX. And be it enacted, that every registrar shall make out an account four times in every year of the number of births and deaths which he shall have registered since the last quarterly account, and the superintendent registrar shall verify and sign the same; and the guardians or overseers of the parish, township, or place in or for which he shall be registrar, on production of the said account so verified and signed, shall pay to the said registrar, out of the monies in their hands or power as such guardians or overseers, such sums as he shall be entitled to receive on the said account according to the following scale; (that is to say), for the first twenty entries of births and deaths in every year which he shall have registered, whether the same be of births or of deaths indiscriminately, two shillings and sixpence each, and one shilling for every subsequent entry of births or deaths in each year; and in the case of an union the said several sums shall be charged to the account of the parishes in which such births or deaths respectively shall have occurred.

Marriage register books to be provided.

XXX. And be it enacted, that the registrar general shall furnish or cause to be furnished to the rector, vicar, or curate of every church and chapel in *England* wherein marriages may lawfully be solemnized, and also to every person whom the recording clerk of the society of friends commonly called *Quakers*, at their central office in *London*, shall from time to time certify in writing under his hand to the registrar general to be a registering officer in *England* of the said society, and also to every person whom the president for the time being of the *London* committee of deputies of the *British Jews* shall from time to time certify in writing under his hand to the registrar general to be the secretary of a synagogue in *England* of persons professing the *jewish* religion, a sufficient number in duplicate of marriage register books, and forms for certified copies thereof, as hereinafter provided; and the cost of all such books and forms shall be paid by the churchwardens and overseers of the parish or chapelry out of the monies in their hands as such churchwardens and overseers, or by the registering officer or secretary respectively to whom the same shall be furnished.

Marriage registers to be kept in duplicate.

XXXI. And be it enacted, that every clergyman of the church of *England*, immediately after every office of matrimony solemnized by him, shall register in duplicate in two of the marriage register books the several particulars relating to that marriage according to the form of the said schedule (C.); and every such registering officer of the *Quakers*, as soon as conveniently may be after the solemnization of any marriage between two *Quakers* in the district for which he is registering officer, and every such secretary of a synagogue, imme-

diately after every marriage solemnized between any two persons professing the  *jewish*  religion, of whom the husband shall belong to the synagogue whereof he is secretary, shall register or cause to be registered in duplicate in two of the said marriage register books the several particulars relating to that marriage according to the form of the said schedule (C.) ; and every such registering officer or secretary, whether he shall or shall not be present at such marriage, shall satisfy himself that the proceedings in relation thereto have been conformable to the usages of the said society, or of the persons professing the  *jewish*  religion, as the case may be ; and every such entry as hereinbefore is mentioned (whether made by such clergyman or by such registering officer or secretary respectively as aforesaid) shall be signed by the clergyman or by the said registering officer or secretary, as the case may be, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of each book, and the number of the place of entry in each duplicate marriage register book shall be the same.

XXXII. And be it enacted, that in the months of  *April, July, October, and January* , on such days as shall from time to time be appointed by the registrar general, every registrar shall make, and deliver to the superintendent registrar of his district, on durable materials, a true copy, certified by him under his hand, according to the form of schedule (D.) to this act annexed, of all the entries of births and deaths in the register book kept by him since the last certificate, the first of such certificates to be given in the month of  *July*  in the year one thousand eight hundred and thirty-seven, and to contain all the entries made up to that time ; and the superintendent registrar shall verify the same, and if found to be correct shall certify the same under his hand to be a true copy ; and if there shall have been no birth or death registered since the delivery of the last certificate the registrar shall certify the fact, and such certificate shall be delivered to the superintendent registrar as aforesaid, and countersigned by him ; and the registrar shall keep safely each of the said register books until it shall be filled, and shall then deliver it to the superintendent registrar, to be kept by him with the records of his office.

XXXIII. And be it enacted, that the rector, vicar, or curate of every such church and chapel, and every such registering officer and secretary, shall, in the months of  *April, July, October, and January*  respectively, make and deliver to the superintendent registrar of the district in which such church or chapel may be situated, or which may be assigned by the registrar general to such registering officer or secretary, on durable materials, a true copy certified by him under his hand of all the entries of marriages in the register book kept by him since the last certificate, the first of such certificates to be given in the month of  *July*  one thousand eight hundred and thirty-seven, and to contain all the entries made up to that time, and if there shall have been no marriage entered therein since the last certificate, shall certify the fact under his hand, and shall keep the said marriage register books safely until the same shall be filled ; and one copy of every such register book, when filled, shall be delivered to the superintendent registrar of the district in which such

Certified copies of registers of births and deaths to be sent quarterly, and the register books when filled, to the superintendent registrar

Duplicates and certified copies of registers of marriages to be sent to superintendent registrar.

church or chapel may be situated, or which shall have been assigned as aforesaid to such registering officer or secretary, and the other copy of every such register book kept by any such rector, vicar, or curate shall remain in the keeping of such rector, vicar, or curate, and shall be kept by him with the registers of baptisms and burials of the parish or chapelry within which the marriages registered therein shall have been solemnized; and the other copy of every such register book of marriages among the people called *Quakers*, and among persons professing the *jewish* religion respectively, shall remain under the care of the said people or persons respectively, to be kept with their other registers and records, and shall for the purposes of this act be still deemed to be in the keeping of the registering officer or secretary for the time being respectively.

Superintendent registrars to send certified copies of registers to the general register office.

XXXIV. And be it enacted, that every superintendent registrar shall, four times in every year, on such days as shall be therefore named by the registrar general, send to the registrar general all the certified copies of the registers of births, deaths, and marriages which he shall have so received during the three calendar months next preceding such quarterly days of transmission respectively; and if it shall appear, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, he shall procure, as far as possible, consistently with the provisions of this act, that the same may be remedied and supplied; and every such superintendent registrar shall be entitled to receive the sum of two-pence for every entry in such certified copies; and every superintendent registrar shall make out an account four times in every year of the number of entries in the certified copies sent to him during the last quarter, and the certified copies so sent to the general registry office shall be thereafter kept in the said office in such order and manner as the registrar general, under the direction of the secretary of state, shall think fit, so that the same may be most readily seen and examined.

Searches may be made, and certificates given by the persons keeping the registers.

XXXV. And be it enacted, that every rector, vicar, or curate, and every registrar, registering officer, and secretary, who shall have the keeping for the time being of any register book of births, deaths, or marriages, shall at all reasonable times allow searches to be made of any register book in his keeping, and shall give a copy certified under his hand of any entry or entries in the same, on payment of the fee hereinafter mentioned; (that is to say), for every search extending over a period not more than one year the sum of one shilling, and sixpence additional for every additional year, and the sum of two shillings and sixpence for every single certificate.

Indexes to be made at the superintendent registrar's office, and persons allowed to search them.

XXXVI. And be it enacted, that every superintendent registrar shall cause indexes of the register books in his office to be made, and kept with the other records of his office; and that every person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry or entries in the said register books under the hand of the superintendent registrar, on payment of the fees hereinafter mentioned; (that is to say), for every general search the sum of five shillings, and for every particular search the sum of one shilling, and for every such certified copy the sum of two shillings and sixpence.

XXXVII. And be it enacted, that the registrar general shall cause indexes of all the said certified copies of the registers to be made and kept in the general register office; and that every person shall be entitled, on payment of the fees hereinafter mentioned, to search the said indexes between the hours of ten in the morning and four in the afternoon of every day except *Sundays, Christmas Day, and Good Friday*, and to have a certified copy of any entry in the said certified copies of the registers; and for every general search of the said indexes shall be paid the sum of twenty shillings, and for every particular search the sum of one shilling, and for every such certified copy the sum of two shillings and sixpence, and no more, shall be paid to the registrar general or such other officer as shall be appointed for that purpose on his account.

Indexes to be kept at general register office, searches allowed, and certified copies given.

XXXVIII. And be it enacted, that the registrar general shall cause to be made a seal of the said register office, and the registrar general shall cause to be sealed or stamped therewith all certified copies of entries given in the said office; and all certified copies of entries purporting to be sealed or stamped with the seal of the said register office shall be received as evidence of the birth, death, or marriage to which the same relates, without any further or other proof of such entry; and no certified copy purporting to be given in the said office shall be of any force or effect which is not sealed or stamped as aforesaid.

Certified copies given at general registry office to be sealed.

XXXIX. And be it enacted, that every sum received under the provisions of this act by or on account of the registrar general shall be accounted for and paid by the registrar general, at such times as the lords commissioners of the treasury from time to time shall direct, into the bank of *England*, to the credit of his majesty's exchequer, according to the provisions of an act passed in the fourth and fifth years of his majesty, intituled *an act to regulate the office of the receipt of his majesty's exchequer at Westminster*.

Fees for searches in the general register office to be accounted for to the exchequer. 4 & 5 W. 4. c. 15.

XL. And be it enacted, that it shall be lawful for every clergyman of the church of *England* who shall solemnize any marriage in *England*, and for every registering officer of the *Quakers*, and every secretary of a synagogue, after the said first day of *March*, to ask of the parties married the several particulars herein required to be registered touching such marriage.

Clergymen, &c. may ask parties married the particulars required.

XLI. And be it enacted, that every person who shall wilfully make or cause to be made, for the purpose of being inserted in any register of birth, death, or marriage, any false statement touching any of the particulars herein required to be known and registered, shall be subject to the same pains and penalties as if he were guilty of perjury.

Penalty for wilfully giving false information.

XLII. And be it enacted, that every person who shall refuse or without reasonable cause omit to register any marriage solemnized by him, or which he ought to register, and every registrar who shall refuse or without reasonable cause omit to register any birth or death of which he shall have had due notice as aforesaid, and every person having the custody of any register book, or certified copy thereof or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured whilst in his keeping, shall forfeit a sum not exceeding fifty pounds for every such offence.

Penalty for not duly registering births, deaths, and marriages, or for losing or injuring the registers.



Penalty for  
destroying  
or falsifying  
register  
books.

XLIII. And be it enacted, that every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such register book, or any part or certified copy of any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register book or certified copy thereof, or shall wilfully insert or cause to be inserted in any register book or certified copy thereof any false entry of any birth, death, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be a copy or extract of any register book, knowing the same register to be false in any part thereof, or shall forge or counterfeit the seal of the register office, shall be guilty of felony.

Accidental  
errors may  
be corrected.

XLIV. Provided always, and be it enacted, that no person charged with the duty of registering any birth, death, or marriage, who shall discover any error to have been committed in the form or substance of any such entry, shall be therefore liable to any of the penalties aforesaid if within one calendar month next after the discovery of such error, in the presence of the parents of the child whose birth may have been so registered, or of the parties married, or of two persons attending upon any person in his or her last illness whose death may have been so registered, or in case of the death or absence of the respective parties aforesaid, then in the presence of the superintendent registrar and of two other credible witnesses who shall respectively attest the same, he shall correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made : provided also, that in the case of a marriage register he shall make the like marginal entry, attested in like manner in the duplicate marriage register book to be made by him as aforesaid, and in every case shall make the like alteration in the certified copy of the register book to be made by him as aforesaid, or in case such certified copy shall have been already made, provided he shall make and deliver in like manner a separate certified copy of the original erroneous entry, and of the marginal correction therein made.

Recovery of  
penalties.

XLV. And be it enacted, that all fines and forfeitures by this act imposed, unless otherwise directed, shall be recovered before any two justices of the peace for the county, city, or place where the offence shall have happened, upon the information or complaint of any person ; and if on the conviction of the offender, either on his or her confession, or by the oath of any one or more credible witness or witnesses, (which oath such justices are hereby empowered to administer), such fines or forfeitures, with the costs of the conviction, shall not be forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such justices ; and for want of distress such justices may commit every such offender to the common gaol or house of correction for the county, city, or place where the offender shall be committed, without bail or mainprize, for any term not exceeding one calendar month, unless such fine and forfeiture, and all reasonable charges attending the recovery thereof, shall be sooner paid ; and one moiety of all such fines and forfeitures shall go to the person

who shall inform and sue or prosecute for the same, and the other moiety shall go to the registrar general, or to such other person as the lords commissioners of the treasury shall appoint, for the use of his majesty; and no distress made by virtue of this act shall be deemed unlawful, nor shall the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, or warrant of distress, or on account of any irregularity which shall be afterwards committed by the party distraining, but the person or persons aggrieved by such irregularity shall recover full satisfaction for the special damages sustained in an action on the case.

XLVI. And be it enacted, that in all cases where the sum adjudged Appeal.  
to be paid on any such summary conviction shall exceed five pounds, any person convicted may appeal to the next court of general or quarter sessions which shall be holden not sooner than twelve days after the day of such conviction for the county or other district wherein the cause of complaint shall have arisen; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizances being entered into, the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs, to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XLVII. And be it enacted, that no such conviction or adjudica- No certiorari  
tion made on appeal therefrom shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of his majesty's superior courts of record, and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction to sustain the same.

XLVIII. And be it enacted, that the registrar general may receive Correspondence of registrar general relating to this act to be free of postage.  
and send by the general post from and to places in *England* all letters and packets relating exclusively to the execution of this act free from the duty of postage, provided that such letters and packets as shall be sent to the registrar general be directed to the "Registrar general of births, deaths, and marriages," at his office, and that all such letters and packets as shall be sent by the registrar general shall be in covers, with the words "Registrar general of births, deaths, and marriages" printed on the same, and be sealed with the seal of the said register office, and be signed on the outside thereof under such words with the name of such person as the said registrar general, with the consent of the lords commissioners of the treasury, or any three or more

of them, shall appoint, in his own handwriting, (such name to be from time to time sent to the secretary of the general post-office in *London*), and under such other regulations as the said lords commissioners, or any three or more of them, shall think fit; and if the person so to be appointed shall subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate exclusively to the execution of this act, or if the person so to be appointed, or any other person, shall send or cause to be sent under any such cover any letter, paper, or writing, or any inclosure, other than shall relate exclusively to the execution of this act, every person so offending shall forfeit and pay the sum of one hundred pounds, and be dismissed from his office; one moiety of such penalty to be paid to the use of his majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of his majesty's courts of record at *Westminster*.

Registers of baptisms and burials may be kept as heretofore.

**XLIX.** Provided always, and be it enacted, that nothing herein contained shall affect the registration of baptisms or burials as now by law established, or the right of any officiating minister to receive the fees now usually paid for the performance or registration of any baptism, burial, or marriage.

Registrar general to furnish notices to guardians of unions, &c. specifying acts required to be done by parties registering.

**L.** And be it further enacted, that the said registrar general shall, within three calendar months after his appointment to such office, furnish to the respective guardians of every union, parish, or place printed notices, which the said guardians shall, as soon as conveniently may be after the receipt thereof, cause to be fixed or placed on the outside of the several church and chapel doors, or other public and conspicuous buildings or places, within their respective unions, parishes, or places, and which said notices shall specify the several acts required to be done by persons who may be desirous of solemnizing marriage, or of registering the birth of any child or the death of any person, under the provisions of this act.

Schedules to which this Act refers.

## SCHEDULE (A.)

1836.—BIRTHS in the district of *Marylebone, North*, in the county of *Middlesex*.

No.	When born.	Name, if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.	Baptismal Name, if added after registration of Birth.
1	17th January	James.	Boy.	William Green.	Rebecca Green formerly Jennings.	Carpenter.	William Green, Father, Carpenter, 17, North Street, Marylebone.	9 January.	John Cox, Registrar.	

The words and figures in *italics* in this schedule to be filled in as the case may be.

## SCHEDULE (B.)

1836.—DEATHS in the district of *Mary-le-bone, North*, in the county of *Middlesex*.

No.	When died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.
17	4 February.	William Green.	Male.	43	Carpenter.		Rebecca Green, Widow, 17, North Street, Mary-le-bone.	5 February.	John Cox, Registrar.

[The words and figures in *italics* in this schedule to be filled in according as the case may be.]

# SCHEDULE (C.)

1836.—MARRIAGES solemnized at the parish church in the parish of *Mary-le-bone* in the county of *Middlesex*.

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17 March 1836.	<i>William Hastings.</i>	<i>Of full Age.</i>	<i>Bachelor.</i>	<i>Carpenter.</i>	<i>3, South Street.</i>	<i>Peter Hastings.</i>	<i>Upholterer.</i>
		<i>Sophia Ann Mitchell.</i>	<i>Minor.</i>	<i>Spinster.</i>	—	<i>17, High Street.</i>	<i>Geoffry Mitchell.</i>	<i>Butcher.</i>

Married in the parish church, according to the rites and ceremonies of the established church, by licence, or after banns, by me,

*James Hollingshead, vicar.*

This marriage was solemnized between us, { *William Hastings,* } in the { *John Hastings.*  
presence of us, { *Sophia Anne Mitchell,* } { *Geoffry Mitchell.*

The words and figures in *italics* in this schedule to be filled in as the case may be.

## SCHEDULE (D.)

I *John Cox*, registrar of births and deaths in the *district of Mary-le-bone, North*, in the county of *Middlesex*, do hereby certify, that this is a true copy of the registrar's book of births [or deaths] within the said *district*, from the entry of the birth [or death] of *James Green*, No. 1, to the entry of the birth [or death] of *William Strange*, No. 34. Witness my hand this *seventh* day of *March* 1838.

*John Cox*, registrar.

## SCHEDULE (E.)

I *John Cox*, registrar of births and deaths in the *district of Mary-le-bone, North*, in the county of *Middlesex*, do hereby certify, that the death of *Henry Hastings* was duly registered by me on the *seventh* day of *March* 1836. Witness my hand this *eighth* day of *March* 1836.

*John Cox*, registrar.

## SCHEDULE (F.)

I *James Smith*, coroner for the county of *Dorset*, do hereby order the burial of the body now shown to the inquest jury as the body of *John Jones*. Witness my hand this *eighth* day of *March* 1836.

*James Smith*, coroner.

## SCHEDULE (G.)

I *Gilbert Elliott*, vicar of *Barming* in the county of *Kent*, do hereby certify, that I have this day baptized by the name of *Thomas* a male child, produced to me by *William Green*, as the son of *William Green* and *Rebecca Green*, and declared by the said *William Green* to have been born at *Mary-le-bone* in the county of *Middlesex* on the *seventh* day of *January* 1836. Witness my hand this *first* day of *December* 1838.

*Gilbert Elliott*, vicar.

[The words and figures in *italics* in the above schedules to be filled in as the case may be.]

7 WILLIAM 4, CAP. 1.—*An act to suspend for a limited time the operation of two acts passed in the last session of parliament, for registering births, deaths and marriages in England, and for marriages in England.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 322.

1 VICTORIA, CAP. 22.—*An act to explain and amend two acts passed in the last session of parliament, for marriages, and for registering births, deaths, and marriages, in England.*—See Title—"MARRIAGES, ENGLAND," vol. iii. p. 323.

3 & 4 VICTORIA, CAP. 92.—*An act for enabling courts of justice to admit non-parochial registers as evidence of births or baptisms, deaths or burials, and marriages.*—Whereas by a commission under the great seal, bearing date the thirteenth day of *September* in the seventh year of the reign of his late majesty, certain persons therein named were appointed commissioners for inquiring into the state, custody, and authenticity of any registers or records of births or baptisms, deaths or burials, and marriages lawfully solemnized, as had been kept in *England* and *Wales*, other than the parochial

registers, and the copies thereof deposited with the diocesan registrars, and for inquiring whether any and what measures could be beneficially adopted for collecting and arranging and depositing such registers or records, and for considering and advising the proper measures to be adopted for giving full force and effect as evidence in all courts of justice to all such registers as were found accurate and faithful, and for facilitating the production and reception of the same; and by another commission under the great seal, issued in the first year of her present majesty, the powers and duties of the said commissioners were continued: and whereas there are now about seven thousand registers in the custody of the said commissioners, which by their report to her majesty, bearing date the eighteenth day of *June* one thousand eight hundred and thirty-eight, they have recommended to be kept together in some secure place of deposit, and to be deemed to be in legal custody, and to be receivable in evidence in all courts of justice, subject to certain conditions and restrictions therein recommended: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the registrar general of births, deaths, and marriages in *England* shall receive, and deposit in the general register office, all the registers and records of births, baptisms, deaths, burials, and marriages now in the custody of the commissioners appointed by her majesty as aforesaid, and which they have by their said report recommended to be kept in some secure place of deposit, and also the several registers and records mentioned in the schedules (H.), (I.), (P.), and (Q.), annexed to the said report of the said commissioners, and also such other registers as are hereinafter directed to be deposited with him: provided that none of the said registers or records not already in the custody of the said commissioners shall be received by the registrar general, unless the person or persons now having the custody thereof shall, within three calendar months from the passing of this act, send the same to the said commissioners for examination by them.

Certain registers to be deposited in the custody of the registrar general.

Proviso as to registers not received.

Continuance of commissioners for twelve months.

Their duty.

II. And be it enacted, that such of the said commissioners as are now living shall be continued commissioners for the purposes hereinafter mentioned for the space of twelve calendar months from the passing of this act, and they are hereby authorized, from time to time during the said twelve months, to inquire into the state, custody, and authenticity of every register or record of birth, baptism, naming, dedication, death, burial, and marriage which shall be sent to them within three calendar months from the passing of this act, and such as they shall find accurate and faithful they shall certify under the hands and seals of three or more of them (of whom the registrar general shall not be one) as fit to be placed with the other registers and records hereby directed to be deposited in the said office; and the registrar general, upon receiving the said certificate of the said commissioners, accompanied by an order of one of her majesty's principal secretaries of state, shall receive such registers and records, and deposit them with the registers and records which are now in the custody of the said commissioners.

III. And be it enacted, that every office or place where any registers or records which by this or any other act are directed to be in the custody of the registrar general shall be deposited by direction of the registrar general, with the approval of the lord high treasurer, or three or more commissioners of her majesty's treasury, shall be deemed to be a branch or part of the general register office, so long as such registers or records shall remain therein, and the execution of this act shall be deemed to be a part of the business of the general register office.

Declaratory provisions as to the general register office.

IV. And be it enacted, that the said commissioners shall from time to time deliver to the registrar general a descriptive list or lists of all the registers and records now in their custody, and also of all the registers and records which shall be so certified as fit to be placed with the other registers and records in the general register office, containing such particulars, and referring to the registers and records in such manner, as in the opinion of the registrar general shall be sufficient to identify every such register and record; and three or more of the said commissioners, (of whom the registrar general shall not be one), shall certify under their hands, upon some part of every separate book or volume containing any such register or record, that it is one of the registers or records deposited in the general register office pursuant to this act, and in every case in which the commissioners shall certify to the registrar general as aforesaid, that certain parts only of such registers or records appear to them to be original or authentic, the commissioners shall refer in the descriptive list or lists, and also in the certificate upon such book or volume, to those parts, in such manner as to identify them to the satisfaction of the registrar general.

Commissioners to identify the registers deposited.

V. And be it enacted, that the registrar general shall cause lists to be made of all the registers and records which may be placed in his custody by virtue of this act; and every person shall be entitled, on payment of the fees hereinafter mentioned, to search the said lists, and any register or record therein mentioned, between the hours of ten in the morning and four in the afternoon of every day, except *Sundays* and *Christmas Day* and *Good Friday*, but subject to such regulations as may be made from time to time by the registrar general, with the approbation of one of her majesty's principal secretaries of state, and to have a certified extract of any entry in the said registers or records, and for every search in any such register or record shall be paid the sum of one shilling, and for every such certified extract the sum of two shillings and sixpence, and no more.

Lists to be made;

which shall be open to search;

and certified extracts had therefrom.

VI. And be it enacted, that all registers and records deposited in the general register office by virtue of this act, except the registers and records of baptisms and marriages at the *Fleet* and *King's Bench* prisons, at *May Fair*, at the *Mint* in *Southwark*, and elsewhere, which were deposited in the registry of the bishop of *London* in the year one thousand eight hundred and twenty-one, as hereinafter mentioned, shall be deemed to be in legal custody, and shall be receivable in evidence in all courts of justice, subject to the provisions hereinafter contained; and the registrar general shall produce or cause to be produced any such registrar or record, on subpoena or order of any competent court or tribunal, and on payment

Registers deemed in legal custody, and shall be receivable in evidence.



of a reasonable sum, to be taxed as the court shall direct, and to be paid to the registrar general, on account of the loss of time of the officer by whom such register or record shall be produced, and to enable the registrar general to defray the travelling and other expenses of such officer.

Fees to be accounted for.

4 & 5 W. 4, c. 45.

Wilful injury or forgery of registers, felony.

Extracts from registers to be stamped with the seal of office.

Extracts to describe the register whence taken

Production of register shall be sufficient.

Certified extracts may be used in courts of law

VII. And be it enacted, that every sum received under the provisions of this act by or on account of the registrar general shall be accounted for and paid by the registrar general, at such times as the commissioners of her majesty's treasury of the united kingdom of *Great Britain and Ireland* from time to time shall direct, into the bank of *England*, to the credit of her majesty's exchequer, according to the provisions of an act passed in the fourth year of his late majesty king *William* the fourth, intituled *an act to regulate the office of the receipt of his majesty's exchequer at Westminster*.

VIII. And be it enacted, that every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any register or record of birth or baptism, naming or dedication, death or burial, or marriage, which shall be deposited with the registrar general by virtue of this act, or any part thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of any such register or record, or shall wilfully insert or cause to be inserted in any of such registers or records any false entry of any birth or baptism, naming or dedication, death or burial, or marriage, or shall wilfully give any false certificate, or shall certify any writing to be an extract from any register or record knowing the same register or record to be false in any part thereof, or shall forge or counterfeit the seal of the said office, shall be guilty of felony.

IX. And be it enacted, that the registrar general shall certify all extracts which may be granted by him from the registers or records deposited or to be deposited in the said office, and made receivable in evidence by virtue of the provisions herein contained, by causing them to be sealed or stamped with the seal of the office: and all extracts purporting to be stamped with the seal of the said office shall be received in evidence in all civil cases, instead of the production of the original registers or records containing such entries, subject nevertheless to the provisions hereinafter contained.

X. And be it enacted, that every extract granted by the registrar general from any of the said registers or records shall describe the register or record from which it is taken, and shall express that it is one of the registers or records deposited in the general register office under this act; and the production of any of the said registers or records from the general register office, in the custody of the proper officer thereof, or the production of any such certified extract containing such description as aforesaid, and purporting to be stamped with the seal of the said office, shall be sufficient to prove that such register or record is one of the registers and records deposited in the general register office under this act, in all cases in which the register or record, or any certified extract therefrom, is herein respectively declared admissible in evidence.

XI. And be it enacted, that in case any party shall intend to use in evidence on the trial of any cause in any of the courts of common law, or on the hearing of any matter which is not a criminal case at

any session of the peace in *England* or *Wales*, any extract, certified as hereinbefore mentioned, from any such register or record, he shall give notice in writing to the opposite party, his attorney or agent, of his intention to use such certified extract in evidence at such trial or hearing, and at the same time shall deliver to him, his attorney or agent, a copy of the extract, and of the certificate thereof; and on proof by affidavit of the service or on admission of the receipt of such notice and copy such certified extract shall be received in evidence at such trial or hearing, if the judge or court shall be of opinion that such service has been made in sufficient time before such trial or hearing to have enabled the opposite party to inspect the original register or record from which such certified extract had been taken, or within such time as shall be directed by any rule to be made as hereinafter provided.

and sessions,  
upon notice  
given.

XII. And be it enacted, that in case any party shall intend to use in evidence on such trial or hearing any original register or record (instead of such certified extract), he shall nevertheless, within a reasonable time, give to the opposite party notice of his intention to use such original register or record in evidence, and deliver to such opposite party a copy of a certified extract of the entry or entries which he shall intend to use in evidence.

If the original be used, notice must nevertheless be given.

XIII. And be it enacted, that in case any party shall intend to use in evidence on any examination of witnesses, or at the hearing of any cause in any court of equity, any extract, certified as hereinbefore mentioned, he shall, ten clear days at the least before publication shall pass in any cause where no commission has issued for the examination of the witnesses of the party intending to give such evidence, or where such commission shall issue then seven clear days at the least before the opening of such commission, deliver to the clerk or clerks in court of the opposite party or parties a notice in writing of his intention to use such certified extract in evidence on the examination of witnesses or at the hearing of the cause (as the case may be), and shall at the same time deliver to the clerk or clerks in court of the opposite party or parties a copy or copies of such extract, and of the certificate thereof, and thereupon such certified extract shall be received in evidence; provided that at the hearing of the cause the service of such certified copy and notice be admitted or proved by affidavit.

Certified extracts may be used in evidence on examination of witnesses, or at the hearing of the cause in courts of equity, upon notice.

XIV. And be it enacted, that in case any party shall intend to use in evidence, on such examination or hearing in any court of equity, any original register or record (instead of such certificated extract), he shall nevertheless, within the number of days hereinbefore respectively mentioned, deliver to the clerk or clerks in court of the opposite party or parties a notice of his intention to use such original register or record in evidence, together with a copy of a certified extract of the entry or entries which he shall intend to use in evidence.

If the original be used, notice must nevertheless be given.

XV. And be it enacted, that in case any party shall intend to use in evidence, upon any petition, motion, or other interlocutory proceedings in any court of equity or in the master's office, any extract, certified as hereinbefore mentioned, he shall produce to the court or master (as the case may be) an extract, certified as hereinbefore

Certified extract to be used in interlocutory proceedings, and in the master's office.

mentioned, accompanied by an affidavit stating the deponent's belief that the entry or entries in the original register or record is correct and genuine.

Certified  
extract to  
be used in  
ecclesiastical  
courts;

and the judge  
may order the  
production of  
the original.

In criminal  
cases the  
originals to  
be produced.

Rules to be  
made to re-  
gulate the  
practice as  
to admission  
of registers.

Who shall  
make such  
rules.

Fleet and  
May Fair  
registers,  
&c.

XVI. And be it enacted, that in case any party shall intend to use in evidence in any ecclesiastical court, or in the high court of admiralty, any extract, certified as hereinbefore mentioned, he shall plead and prove the same in the same manner to all intents and purposes as if the same were an extract from a parish register, save and except that any such extract, certified as hereinbefore mentioned, shall be pleaded and received in proof without its being necessary to prove the collation of such extract with the original register or record: provided always, that the judge of the court, on cause shown by any party to the suit (or of his own motion when the proceedings are *in pœnam*), may, after publication, issue a monition for the production at the hearing of the cause of the original register or record containing the entry to which such certified extract relates.

XVII. And be it enacted, that in all criminal cases in which it shall be necessary to use in evidence any entry or entries contained in any of the said registers or records, such evidence shall be given by producing to the court the original register or record.

XVIII. And be it enacted, that at any time within three years from the passing of this act such rules may be made, by the authority hereinafter specified, for regulating the mode of reception of the said registers or records, or certified extracts therefrom, in evidence in the courts hereinafter mentioned, and for regulating the notice hereinbefore directed to be given, and the costs of producing such registers or records or extracts, as shall seem expedient, which rules, orders, and regulations shall be laid before both houses of parliament, and shall take effect within six weeks after the same shall have been so laid before parliament, and shall thereupon be binding and obligatory upon the said courts respectively and be of the like force and effect as if the provisions contained therein had been herein expressly enacted.

XIX. And be it enacted, that such rules shall be made for the high court of chancery by the lord high chancellor and the master of the rolls, and for the courts of queen's bench, common pleas, and exchequer, by eight or more judges of the last mentioned courts, of whom the chiefs of each of the last mentioned courts shall be three, and for the high court of admiralty by the judge of the court of admiralty, and for the ecclesiastical courts in *England* and *Wales* by the official principal of the court of arches, with the chancellor of the diocese of *London*, or with the commissary of the diocese of *Canterbury*.

XX. And be it enacted, that the several registers and records of baptisms and marriages performed at the *Fleet* and *King's Bench* prisons, at *May Fair*, and at the *Mint* in *Southwark*, and elsewhere, which were deposited in the registry of the bishop of *London* in the year one thousand eight hundred and twenty-one, by the authority of one of his late majesty's principal secretaries of state, shall be transferred from the said registry to the custody of the registrar general, who is hereby directed to receive the same for safe custody:

provided nevertheless, that none of the provisions hereinbefore contained respecting the registers and records made receivable in evidence by virtue of this act shall extend to the registers and records so deposited in the registry of the bishop of *London* in the year one thousand eight hundred and twenty-one as aforesaid.

XXI. And be it enacted, that this act may be amended or repealed by any act to be passed in this session of parliament. Act may be amended, &c.

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SPACE LEFT,

FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

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## RESIDENCE OF SPIRITUAL PERSONS, ENGLAND.

9 EDWARD 2, STAT. 1, CAP. 8.—*Clerks in the king's service shall be discharged of their residence, but shall be corrected by the ordinary.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 n.

21 HENRY 8, CAP. 13, SECS. 26—29.—*Spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.*—See Title—"PLURALITIES," vol. iii. p. 640.

25 HENRY 8, CAP. 16.—*An act that every judge of the high courts may have one chaplain beneficed with cure.*—See Title—"CHAPLAINS," vol. i. p. 461.

28 HENRY 8, CAP. 13.—*The bill for non-residence of spiritual men and their benefices.*—Whereas in the parliament begun at London the third day of *November* in the twenty-first year of the reign of our sovereign lord king *Henry* the eighth, and from thence adjourned and prorogued to the palace of *Westminster* the seventeenth day of *December* then next ensuing, amongst other good acts and ordinances, then and there by the authority of the said parliament, it was established, ordained and enacted, that as well every spiritual person, then being promoted to any archdeaconry, deanery or dignity in any monastery or cathedral church, or other church conventual or collegial, or being beneficed with any parsonage or vicarage, as all and every spiritual person and persons, which should after the feast of *Saint Michael* the archangel, which was in the foresaid twenty-first year of the reign of our sovereign lord king *Henry* the eighth, be promoted to any of the said dignities or benefices with any parsonage or vicarage, should from the said feast of *Saint Michael* the archangel be personally resident and abiding at and upon his said dignity, prebend or benefice, or at one of them at the least; and in case any such spiritual person, at any time after the said feast, kept not residence at one of his said dignities, prebend or benefices, (as is aforesaid) but absent himself wilfully by the space of one month together, or by the space of two months to be accounted at several times in any one year, and make his residence and abiding in any other places by such time, that then he shall forfeit for every such default ten pounds sterling, as in the same act more plainly doth appear; in which act, among other provisions contained and specified in the same, it was provided, that the said act of non-residence should not in anywise extend nor be prejudicial to any scholar or scholars, being conversant and abiding for study, without fraud or covin, at any university within this realm or without, as by the same provision doth also appear more at large; sithence the making of which good act and statute, divers and many persons being beneficed with cure of souls (as is aforesaid) and being not apt to study by reason of their age, or otherwise, nor never intending, before the making of the said act, to travel in study within any of the said universities for the increase of learning, but rather minding and

A recital of 21 H. 8, c. 13, s. 28, and of the practices made use of to evade the meaning of the same. 25 H. 8, c. 16.

intending their own ease, singular lucre and pleasure, by the same provision colourably to defraud the same good statute and ordinance, do daily and commonly resort and repair to the said universities of *Oxford* and *Cambridge*, and to either of them, where they, under the said pretence and colour of study, do continue and abide, living dissolutely, nothing profiting themselves by study at all in learning, but consume the time in idleness and in other pastimes, and insolent pleasures, giving occasion and evil example thereby to other young men and students within the said universities, little or nothing regarding their cure and charge of souls, contrary to the minds and intent of the makers of the foresaid good statute and ordinance; and also divers and many old beneficed men have and do continually remain there, never exercising nor practising their learning to the example of virtue and maintenance of the common weal, in discharge of their conscience, according to their duty, having nevertheless, and occupying such rooms and commodities, as were instituted and ordained for the maintenance and relief of poor scholars, to the great hindrance and detriment of the same:

What spiritual persons may be discharged from residence upon their benefices, and for what cause.  
21 H. 8, c. 13.

II. Be it therefore enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, that all and singular spiritual person and persons, which now be, or hereafter shall be, to any benefice or benefices promoted, as is aforesaid, being above the age of forty years, (the chancellor, vice-chancellor, commissary of the said universities, or any of them, wardens, deans, provosts, presidents, rectors, masters, principals and other head rulers of colleges, halls and other houses or places corporate within the said universities, or any of them, doctors of the chair, readers of divinity in the common schools of divinity in any of the said universities, only excepted) shall be resident and abiding at and upon one of their said benefices, according to the intent and true meaning of the said former act, upon such pain and penalties as be contained in the said former act made and appointed for such beneficed persons for their non-residence. And that none of the said beneficed persons being above the age aforesaid, except before except, shall from henceforth be excused of their non-residence upon the said benefices, for that they be students or resident within the said universities, or any of them; any proviso, or any other clause or sentence specified or contained in the said former act of non-residence, or any other thing or things, to the contrary hereof in anywise notwithstanding.

III. And over this be it enacted by the authority aforesaid, that all and singular such beneficed persons, being under the age of forty years, resiant and abiding within the said universities, or any of them, shall not enjoy the privilege and liberty of non-residence, contained in the proviso of the said former act, made for the scholars and students of the said universities, or any of them, unless he or they be present at the ordinary lecture and lectures, as well at home in their houses, as in the common school or schools, and in their proper persons keep sophisms, problems, disputations and other exercises of learning, and be opponent and respondent in the same, according to the ordinances and statutes of either of the said universities, where he or they shall be so abiding or resiant; any thing

contained in the said proviso or former act to the contrary notwithstanding.

IV, Provided alway, that this act shall begin to take effect at the feast of *Saint Michael* the archangel next coming, and not before.

V. Provided alway, that this act, nor any thing therein contained, shall extend to any person or persons which now is, or hereafter shall be readers of any public or common lecture in divinity, law civil, physic, philosophy, humanity, or of any of the liberal sciences, or public or common interpreters or teachers of the *Hebrew* tongue, *Chaldean* or *Greek*, in whatsoever college or place of any of the said universities, the said persons for the time being shall read the said common or public lectures; nor yet to any person or persons after or above the age of forty years, which shall resort to any of the said universities to proceed doctors in divinity, law civil, or physic, for the time of their said proceedings, and executing of such sermons, disputations or lectures, which they be bound by the statutes of the universities there to do for the said degrees so obtained.

Proviso for readers of lectures, &c. in the universities, and for those that proceed doctors in divinity, law or physic.

33 HENRY 8, CAP. 28.—*An act for the chancellor of the duchy of Lancaster, and others, to have chaplains.*—See Title—"CHAPLAINS," vol. i. p. 461.

17 GEORGE 3, CAP. 53.—*An act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices.*—Whereas many of the parochial clergy, for want of proper habitations, are induced to reside at a distance from their benefices, by which means the parishioners lose the advantage of their instruction and hospitality, which were great objects in the original distribution of tithes and glebes for the endowment of churches: for remedy whereof, may it please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the twenty-fourth day of *June*, one thousand seven hundred and seventy-seven, whenever the parson, vicar, or other incumbent, of any ecclesiastical living, parochial benefice, chapelry, or perpetual curacy, being under the jurisdiction of the bishop or other ecclesiastical ordinary, whereon there is no house of habitation, or such house is become so ruinous and decayed, or is so mean, that one year's net income and produce of such living will not be sufficient to build, rebuild, or put the same, with the necessary offices belonging thereto, in sufficient repair, shall think fit to apply for the aid and assistance intended to be given by this act, it shall and may be lawful for every such parson, vicar, or incumbent (after having procured, from some skilful and experienced workman or surveyor, a certificate, containing a state of the condition of the buildings on their respective glebes, and of the value of the timber and other materials thereupon, fit to be employed in such buildings or repairs, or to be sold, and also a plan and estimate of the work proposed to be done (such state and estimate to be verified upon oath, taken before some justice of the peace, or master in chancery, ordinary or extraordinary), and laid the same, together with a just and particular account in writing, signed

Preamble.

Incumbent of any ecclesiastical living, whereon there is no house, &c.



(with the consent of the ordinary and patron) may borrow money to build one,

and mortgage the glebe, tithes, &c. for twenty-five years.

Every mortgagee to execute a counterpart of the mortgage, to be kept by the incumbent, &c.

On failure of payment of principal and interest for forty days after due, mortgagee may distrain.

Money borrowed to be paid to such persons as the ordinary, &c. shall appoint;

by him, and verified upon oath, taken as aforesaid, of the annual profits of such living, before the ordinary and patron of the living, and obtained their consent to such proposed new buildings or repairs, by writing under their respective hands, in the form for that purpose contained in the schedule hereunto annexed), to borrow and take up at interest, in the manner hereafter mentioned, such sum or sums of money as the said estimate shall amount unto, after deducting the value of timber or other materials which may be thought proper to be sold, not exceeding two years net income and produce of such living, after deducting all rents, stipends, taxes, and other outgoings, excepting only the salaries to the assistant curate, where such a curate is necessary; and as a security for the money so to be borrowed, to mortgage the glebe, tithes, rents, and other profits and emoluments, arising or to arise from such living, to such person or persons who shall advance the same, by one or more deed or deeds, for the term of twenty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms, conditions, true intent and meaning of this act; which mortgage deed or deeds shall be made in the forms or to the effect for that purpose contained in the said schedule, and shall bind every succeeding parson, vicar, or incumbent, of such living, until the principal and interest, costs and charges, shall be paid off and discharged, as fully and effectually as if such successor had executed the same.

II. And be it further enacted, that every such mortgagee shall execute a counterpart of every such mortgage, to be kept by the incumbent for the time being; and a copy of every such deed of mortgage shall be registered in the office of the registrar of the bishop of the diocese where the parish lies, or other ordinary having episcopal jurisdiction therein for the time being, after having been first examined by him with the original; which officer shall register the same, and be entitled to demand and receive the sum of five shillings, and no more, for such register; and every such deed shall be referred to upon all necessary occasions, the person inspecting the same paying one shilling for every such search; and the said deed, or a copy thereof, certified under the hand of the registrar, shall be allowed as legal evidence, in case any such mortgage deed shall happen to be lost or destroyed.

III. Provided always, and be it further enacted, that whenever the principal and interest, directed to be paid to the mortgagee under the several provisions of this act, shall be in arrear and unpaid, for the space of forty days after the same shall become due, it shall and may be lawful for such mortgagee, his executors, administrators, or assigns, to recover the same, and the costs and charges attending the recovery thereof, by distress and sale, in such manner as rents may be recovered by landlords or lessors from their tenants by the laws in being.

IV. And be it further enacted, that the money so to be borrowed shall be paid into the hands of such person or persons as shall be nominated and appointed to receive and apply the same for the purposes aforesaid, by the ordinary, patron, and incumbent, by writing

under their respective hands, in the form for that purpose contained in the said schedule, after such nominee shall have given a bond to the ordinary, with sufficient surety, in double the sum so to be borrowed or raised, with condition for his duly applying and accounting for the same according to the directions of this act; and the receipt of the person or persons so to be nominated shall be a sufficient discharge to the person or persons who shall advance and pay the money: and the person or persons, so to be nominated shall enter into contracts with proper persons for such buildings or repairs as shall be approved by the ordinary, patron, and incumbent, and shall be specified in an instrument written upon parchment, and signed by them, in the form for that purpose contained in the said schedule; and shall inspect and have the care of the execution of such contracts, and shall pay the money for such buildings and repairs, according to the terms of such agreements, and shall take proper receipts and vouchers for the same; and as soon as such buildings or repairs shall be completed, and the money paid, shall make out an account of his receipts and payments, together with the vouchers for the same, and enter them in a book, fairly written, which shall be signed by him, and laid before the ordinary, patron, and incumbent, and examined by them; and when allowed, by writing under their respective hands, in the form for that purpose contained in the said schedule, such allowance shall be a full discharge to the person so nominated, in respect to the said accounts; and if any balance shall remain in the hands of such nominee or nominees, the same shall be laid out in some further lasting improvements in building upon such glebe, or shall be paid and applied in discharge of so much of the said principal debt as such balance will extend to pay, at the discretion of the said ordinary, patron, and incumbent, or two of them, of which the said ordinary to be one, by order signed by them, in the form for that purpose contained in the said schedule; and an account shall also be kept, made out, and allowed, of such further disbursements, in manner aforesaid: all which accounts, when made out, completed, and allowed, shall be deposited, with the vouchers, in the hands of the said registrar, and kept by him for the use and benefit of the incumbents of such living for the time being, who shall have a right to inspect the same whenever occasion shall require, paying to such registrar, or deputy registrar, the sum of one shilling for every such inspection.

who shall contract for the buildings, &c. and see the same executed, and pay for them, &c.

How the balance remaining shall be disposed of.

V. Provided always, and be it further enacted, that every such ordinary, before he or they shall signify his or their consent, in manner aforesaid, shall cause an inquiry to be made, and certified to him or them by the archdeacon, chancellor of the diocese, or other proper persons living in or near the parish where such buildings are proposed to be made or repaired, in the forms for that purpose specified in the said schedule, of the state and condition of such buildings at the time the incumbent entered upon such living or benefice, how long such incumbent had enjoyed such living or benefice, what money he had received, or may be entitled to receive, for dilapidations, and how and in what manner he had laid out what he had so received; and if it shall appear to them that such incumbent had, by wilful negligence, suffered such buildings to go out of repair,

Ordinary to cause inquiry to be made of the condition of the buildings when the incumbent entered on the living, &c.

then to certify the same to the said ordinary, and also the amount of the damage which such buildings had sustained by the wilful neglect of such incumbent; and such incumbent, if the ordinary require it, shall pay the same into the hands of the nominee or nominees to be appointed under the authority of this act, towards defraying the expenses of building or repairs, before the ordinary shall give his consent as aforesaid.

Directions for payment of the principal and interest of the mortgages.

Every incumbent who shall not reside twenty weeks in each year upon his living, shall pay £10 per cent. of the principal, &c.; and every incumbent paying only £5 per cent. per ann. of the principal, to produce a certificate of his residence, under the hands of two rectors, &c.; and, as soon as the buildings are completed to insure them against fire.

Clause for proportioning the annual payment, in case of death, or other avoidance.

VI. And be it further enacted, that the incumbent of every such living or benefice, in cases where such mortgage or mortgages shall be made as aforesaid, and his successors for the time being, shall, and he and they is and are hereby required to pay the interest arising upon every such mortgage, yearly as the same shall become due, or within one month after, and also five pounds *per centum per annum*, of the principal remaining due, by yearly payments; and that every such incumbent who shall not reside twenty weeks in each year upon such living, computing such year from the date of the said mortgage deed, shall, instead of the said sum of five pounds *per centum per annum*, pay the sum of ten pounds *per centum per annum*, of the principal remaining due, by yearly payments, such payments to be respectively made at the same time such interest shall be paid, until the whole principal money and interest shall be fully paid and discharged; and that every such incumbent who shall pay only five pounds *per centum per annum* of such principal money, shall, at the time he pays the same, produce and deliver to the mortgagee a certificate under the hands of two rectors, vicars, or officiating ministers, of some parishes near adjoining, signifying that he had resided twenty weeks upon the said living or benefice, within the year for which such payment became due, according to the regulations aforesaid; which certificate shall be in the form or to the effect, contained in the said schedule; and that every such incumbent shall, annually, at his own expense, from the time such buildings, authorized to be made by this act, shall be completed, insure, at one of the public offices established in *London* or *Westminster*, for insurance of houses and buildings, the house and other buildings upon such glebe, against accidents by fire, at such sum of money as shall be agreed upon by the ordinary, patron, and incumbent; and in default of the payment of either the principal or interest, in manner aforesaid, or neglect of the incumbent to make such insurance, the ordinary shall have power to sequester the profits of the living till such payment or insurance shall be made.

VII. And, in order that the payment of such year may be justly and equitably ascertained and adjusted, between the successor, and the parson, vicar, or incumbent, avoiding such living or benefice by death or otherwise, or his representatives, in case of death or other avoidance, in such proportions as the profits of such living shall have been received by them respectively, for the year in which such death or avoidance shall happen; be it further enacted, that in case any difference shall arise in adjusting or settling the proportions aforesaid, the same shall be determined by two indifferent persons, the one to be named by the said successor, and the other by the person making such avoidance, or his representatives, in case of his death; and in case such nominees shall not be appointed within the space

of two calendar months next after such death or avoidance, or if they cannot agree in adjusting such proportions within the space of one calendar month after they shall have been appointed, the same shall be determined by some neighbouring clergyman, to be nominated by the ordinary, whose determination shall be final and conclusive between the parties; which nominations and determinations shall be made according to the forms for that purpose contained in the said schedule, as near as conveniently may be.

VIII. And be it further enacted, that where there shall be no house of habitation upon any ecclesiastical living or benefice, so described as aforesaid, exceeding in clear yearly value one hundred pounds *per annum*, or being one, the same shall be so mean, or in such a state of decay as aforesaid, and the incumbent shall not reside in the parish twenty weeks within any year, computing the same from the first day of *January*, it shall be lawful for the ordinary of such living or benefice, with the consent of the patron (in case the incumbent shall not think fit to lay out one year's income, where the same may be sufficient, to put the house and buildings in proper and sufficient repair, or to make such application as aforesaid, for building, repairing, or rebuilding such parsonage house), to procure such plan, estimate, and certificate, as herein directed, and at any time, within the course of the succeeding year, to proceed in the execution of the several purposes of this act, in such manner as the parson, vicar, or incumbent, is hereby authorized and directed to proceed, and to make and execute such mortgage as aforesaid; which shall be binding upon the incumbent and his successors, and he and they shall be, and are hereby made liable to the payment of the interest, principal and costs; and every such incumbent, and his representatives, shall be, and are hereby also made respectively liable to the proportion of the payments for the year which shall be growing at the time of the death of such incumbent, or avoidance of such living, according to the directions aforesaid; which said interest, principal and costs, and proportion of payments growing at the time of the death of such incumbent or avoidance, shall and may be recovered against such incumbent, his successors or representatives, respectively, by action of debt, in any court of record.

IX. And be it further enacted, that all sum and sums of money recovered or received, by suit or compositions, from the representatives of any former incumbent of such living or benefice, and not laid out in the repairs of such buildings, shall go and be applied in part of the payments under such estimate as aforesaid; and that all money thereafter to be recovered or received, in case the same cannot be had before such buildings are completed, and the money paid for the same, shall be applied, as soon as received, in payment of the principal then due, as far as the same will extend; or in case the said mortgage money shall have been discharged, all such money arising from dilapidations shall be paid into the hands of the nominee to be appointed as aforesaid, or of some other person or persons to be nominated by the ordinary, patron, and incumbent, in case such nominee shall be dead, or shall decline to act therein, to be laid out and expended in making some additional buildings or improvements upon the glebe of such living or benefice, to be approved

The ordinary of any living worth £100 per ann. which has no proper house of habitation may (if the incumbent neglect to make application, &c.) procure an estimate, &c. and proceed in the execution of this act, in such manner as the parson is directed to proceed.

All money received for dilapidations &c. shall be applied in part of the payments under the aforesaid estimate;

or in making some additional improvements. &c.

by the ordinary, patron, and incumbent; and in the mean time, or in case such buildings shall not be necessary, then in trust, to lay out the same in government or other good securities, and pay the interest thereof to the incumbent for the time being.

Where new buildings are necessary for the residence of the incumbent, the ordinary, &c. may purchase any convenient house, within one mile of the church; and a certain portion of land.

X. Provided always, and be it further enacted, that where new buildings are necessary to be provided or erected for the habitation and residence of the rector, vicar, or other incumbent, pursuant to the authority hereby given, it shall and may be lawful for the ordinary, patron, and incumbent, of every such living or benefice, to contract, or to authorise, if they shall think fit, the person so to be nominated by them as aforesaid, to contract, for the absolute purchase of any house or buildings, in a situation convenient for the habitation and residence of the rector or vicar of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, benefice or chapelry; and also to contract for any land adjoining or lying convenient to such house or building, or to the house or building belonging to any parochial living or benefice, having no glebe lying near or convenient to the same, not exceeding two acres, if the annual value of such living, to be ascertained as aforesaid, shall be less than one hundred pounds *per annum*, nor two acres for every one hundred pounds *per annum*, if of greater value, and to cause the purchase money for such house or buildings to be paid out of the money to arise under the powers and authorities of this act; in all which cases the said buildings and lands shall be conveyed to the patron of such living or benefice, and his heirs, in trust, for the sole use and benefit of the rector, vicar, or other incumbent, of such living or benefice for the time being, and their successors, and shall be annexed to such church or chapel, and be enjoyed and go in succession with the same for ever; but no contract so made by the nominee shall be valid, until confirmed by the ordinary, patron, and incumbent, by writing under their hands; and every such purchase deed shall be in the form or to the effect contained in the schedule hereunto annexed, and shall be registered in such manner, and in such office, as the other deeds are hereby directed to be registered.

Purchase money for such land to be raised by sale, &c. of part of the glebe or tithes.

XI. Provided also, and be it further enacted, that when any such land lying near to the parsonage house and buildings, belonging to such living or benefice, or to be so purchased or exchanged as aforesaid, shall be thought fit to be taken and used as a convenience for the same, the purchase money or equivalent for such land shall be raised and had by sale or exchange of some part of the glebe or tithes of such living or benefice, which shall appear to the said ordinary, patron, and incumbent, most convenient for that purpose: and every such sale or exchange shall be by deed, in the form or to the effect contained in the schedule hereunto annexed, and registered as hereinbefore directed.

Governors of queen Anne's bounty empowered to lend certain sums to promote the execution of this act.

XII. And be it further enacted, that it shall and may be lawful for the governors authorized or appointed to regulate and superintend the bounty given by her late majesty queen Anne, for the augmentation of the maintenance of the poor clergy, to advance and lend any sum or sums of money, not exceeding the sum of one hundred pounds, in respect of each living or benefice, out of the money

which has arisen, or shall from time to time arise, from that bounty, for promoting and assisting the several purposes of this act, with respect to any such livings or benefices as shall not exceed the clear annual improved value of fifty pounds; and such mortgage and security shall be made for the repayment of the principal sums so to be advanced, as are hereinbefore mentioned, but no interest shall be paid for the same; and in cases where the annual value of such living or benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend, for the purposes of this act, any sum not exceeding two year's income of such living or benefice upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same, not exceeding four pounds for one hundred pounds by the year.

XIII. And be it further enacted, that it shall and may be lawful for any college or hall, within the universities of *Oxford* and *Cambridge*, or for any other corporate bodies possessed of the patronage of ecclesiastical livings or benefices, to advance and lend any sum or sums of money, of which they have the power of disposing, in order to aid and assist the several purposes of this act, for the building, rebuilding, repairing, or purchasing, of any houses or buildings for the habitation and convenience of the clergy, upon livings or benefices under the patronage of such college or hall, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

Colleges in Oxford and Cambridge, and other corporate bodies patrons of livings, may lend any sums without interest, to aid the execution of this act.

XIV. And be it further enacted, that whenever the patron of any living or benefice, to which the provisions of this act are proposed to be extended, shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron, to transact the several matters aforesaid for such patron, who shall be bound thereby, in such manner as if he or she had been of full age, of sound mind, or feme-sole, and had done such act, or given his or her consent thereto.

Who is to act for any patron who shall be a minor, lunatic, &c.

XV. Provided also, and be it further enacted, that all acts hereinbefore required to be done or consented to by the ordinary and patron, shall be done by the ordinary alone, when such ordinary shall happen to be the patron of the living: and that no deed, bond, transfer, or other writing, instrument, or proceeding, made, had, or done, under the powers or authority of this act, shall be charged or chargeable with any stamp duty, or fee of office, except as herein mentioned; any law or statute to the contrary notwithstanding.

Writings not liable to stamp duty.

XVI. Provided always, and it is hereby further enacted, that in all cases where any act is required to be done by the ordinary, in the execution of any of the purposes of this act, and such ordinary shall be a body corporate aggregate, every such act shall be done and signified under the seal of such body corporate.

Proviso, when the ordinary shall be a body corporate, &c.

XVII. Provided always, and be it further enacted, that where the incumbent of any chapelry or perpetual cure shall be nominated by the rector or vicar of the parish, wherein the same is situated, in every such case the consent of such rector or vicar, together with the consent of the patron of such rectory, shall be necessary in all

In certain cases the consent of the rector, &c. necessary.

such matters wherein the consent of the patron is required by the former provisions of this act.

Disputes touching the residence to be determined by the ordinary.

XVIII. Provided likewise, and be it further enacted, that whenever any controversy or dispute shall arise, touching the residence of the incumbent, with respect to any of the matters contained in this act, the same shall be adjusted and determined by the ordinary of the diocese.

Patron, &c. to make allowance to persons for applying the money, &c.

XIX. Provided also, and be it further enacted, that it shall and may be lawful for the patron, ordinary, and incumbent of any such living or benefice as aforesaid, or any two of them, of which the ordinary to be one, by writing under their hands, to make such allowance to the person or persons to be nominated by them, for the purpose of paying and applying the money so to be raised as aforesaid, as they shall think fit, not exceeding the sum of five pounds for every one hundred pounds so to be laid out and expended as aforesaid.

In what manner the consent of the crown shall be made known, in all cases where the patronage shall be in the crown.

XX. Provided also, and be it further enacted, that in all cases where the patronage of any living or benefice hereinbefore described shall be in the crown, and such living or benefice shall be above the yearly value of twenty pounds in the king's books, the consent of the crown to the several proceedings hereby authorized respecting such living or benefice, shall be signified by the lord high treasurer, or first lord commissioner of the treasury for the time being; but if such living or benefice shall not exceed the value of twenty pounds in the king's books, such consent shall be signified by the lord high chancellor, lord keeper, or commissioners of the great seal for the time being; or if such living or benefice shall be within the patronage of the crown in right of the duchy of *Lancaster*, then such consent shall be signified by the chancellor of the duchy for the time being, by writing under their respective hands, in the form or to the effect for that purpose contained in the schedule hereunto annexed; and that in all such cases where such deed is hereby required to be executed by the patron as well as the ordinary and incumbent, such deed shall be valid and effectual to all intents and purposes whatsoever, if executed by the ordinary and incumbent only, after such consent shall have been obtained as aforesaid from the said lord high treasurer, first commissioner of the treasury, lord chancellor, lord keeper, lords commissioners of the great seal, or chancellor of the duchy of *Lancaster* respectively, as the case shall be, provided such consent shall be registered at the register office aforesaid.

Lords of manors, which contain any waste lands convenient for the purposes of this act, may grant a part thereof in perpetuity, &c.

XXI. And be it further enacted, that it shall and may be lawful for any archbishop or bishop of any diocese, and also for any ecclesiastical corporation sole or aggregate, being lord or lords of any manor within which there shall be any waste or common lands, parcel of the demesnes of such manor, lying convenient for the house and buildings, and other the purposes of this act, to grant a part or parts of such waste or common lands in perpetuity for the several purposes of this act, leaving sufficient common for the several persons having right of common upon such wastes or commons, and obtaining the consent of the lessee of such lands, if the same shall be in lease.

## Schedule to which the Bill refers.

*Form of the consent of the ordinary and patron (to be written on parchment.)*

*A. B.* rector, vicar, &c. (*as the case shall be*) of the parish, chapelry, or perpetual curacy (*as the case shall be*), of \_\_\_\_\_ in the county of \_\_\_\_\_ under the jurisdiction of the ordinary, having produced to us the said ordinary, and patron of the said church and living, a certificate under the hand of \_\_\_\_\_ a skilful and experienced workman, or surveyor, of the state and condition of the buildings upon the glebe belonging to the said church, chapelry, or perpetual curacy (*as the case shall be*), and of the value of the timber, and other materials, thereupon, fit to be sold, or employed about such buildings; and also a plan, made by the said \_\_\_\_\_ of the work proposed to be done by new buildings and repairs upon the said glebe, and an estimate of the expense attending the same, after applying the said materials, or the money to arise from the sale thereof, in such buildings and repairs; and also a particular account in writing, signed by the said *A. B.* of the annual profits of such living, and of the rents, stipends, taxes, and other outgoings, annually issuing thereout, verified upon oath, pursuant to the directions of an act, passed in the seventeenth year of the reign of his majesty king *George the third*, to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices; and having considered such certificate, plan, and account: now, we do approve thereof; and do consent, that such buildings and repairs shall be made as therein specified; and that the said *A. B.* do borrow and take up at interest the sum of \_\_\_\_\_ being the estimate of the expenses, after deducting the value of the timber, and other materials, thought proper to be sold, and which appears to us, from the said account, a sum not exceeding two years next income and produce of the said living; which money is to be paid to \_\_\_\_\_ (a person nominated by us and the said *A. B.*) and applied according to the direction of the said act.

*Form of the mortgage.*

THIS indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of his majesty \_\_\_\_\_ between the reverend \_\_\_\_\_ rector or vicar, &c. of the parish church, curacy, or chapelry, of \_\_\_\_\_ in the county of \_\_\_\_\_ and the diocese of the bishop of \_\_\_\_\_ of the one part; and \_\_\_\_\_ of the other part. Whereas the said \_\_\_\_\_ pursuant to the directions of an act, passed in the seventeenth year of the reign of his majesty king *George the third*, intituled *an act to promote the residence of the parochial clergy, by making provision for the*



*more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,* hath obtained the consent of the ordinary of the said diocese, and the patron of the said church and living, to borrow and take up at interest the sum of \_\_\_\_\_ to be laid out and expended in building, rebuilding, or repairing (*as the case shall be*) the parsonage house, and other necessary offices, upon the glebe belonging to the said church, chapel, or curacy, as appears by an instrument, signed by the said ordinary and patron, hereunto annexed: and whereas the said \_\_\_\_\_ hath agreed to lend and advance the sum of \_\_\_\_\_ upon a mortgage of the glebe, tithes, rents, and other profits and emoluments, of the said living, pursuant to the direction and the true intent and meaning of the said act: now this indenture witnesseth, that the said

in consideration of the sum of five shillings to him in hand paid, and of the sum of \_\_\_\_\_ paid at or before the sealing and delivery hereof, into the hands of \_\_\_\_\_

(a person or persons (*as the case shall be*) nominated by the said ordinary, patron, and incumbent, to receive the same, pursuant to the direction of the said act (which nomination is also hereunto annexed) and which receipt of the said sum of \_\_\_\_\_

the said \_\_\_\_\_ have or hath acknowledged, by an indorsement on the back of this deed) hath granted, bargained, sold, and demised, and by these presents doth grant, bargain, sell, and demise, unto the said \_\_\_\_\_ his executors,

administrators, and assigns, all the glebe lands, tithes, rents, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising, coming, growing, renewing, or payable to the rector, vicar, or incumbent (*as the case shall be*) of the said living in respect thereof, with all and every their rights, privileges, and appurtenances thereunto belonging, to have, hold, receive, take, and enjoy the said premises, with their and every of their appurtenances, unto the said \_\_\_\_\_

his executors, administrators, and assigns, from henceforth, for and during the term of \_\_\_\_\_ years, fully to be complete and ended,

in as full, ample, and beneficial manner, and with such remedies and powers for obtaining and recovering the same, and every part thereof, to all intents and purposes, as the said \_\_\_\_\_

his successors, rectors, vicars, &c. (*as the case shall be*) of the said church, could or might, or ought to have held, enjoyed, received, taken, or recovered the same, if these presents had not been made:

*In cases where the mortgage by this act directed is to be made by the ordinary and patron alone, without the incumbent, this covenant and proviso are to be omitted, and the form is to be varied in such other respects as shall be necessary.*

[And the said *A. B.* for himself, his heirs, executors, and administrators, doth hereby covenant, promise, and agree, to and with the said \_\_\_\_\_

his executors, administrators, and assigns, that he the said *A. B.* during the time he shall continue rector, vicar, &c. of the said parish and parish church,

shall and will well and truly pay, or cause to be paid, unto the said \_\_\_\_\_ his executors, administrators, or assigns, interest for the said sum of \_\_\_\_\_ or so much thereof

as shall remain due at the end of every year, to be computed from the day of the date of these presents, after the rate of

*per centum per annum*, by yearly payments, the first of the said payments to begin and be made on the day of

next; and also, at the several times before mentioned for payment of the interest, as aforesaid, shall and will well and truly pay, or cause to be paid, the sum of five pounds *per centum per annum* of the principal which remained due at the beginning of the year in which every such payment is to be paid, in case the said *A. B.* shall be resident upon the said living for the time mentioned in, and according to the true intent and meaning of the said act; and in case the said *A. B.* shall not reside upon the said living during the time mentioned in, and according to the true intent and meaning of the said act, he shall pay, or cause to be paid, the sum of ten pounds *per centum per annum* of the said principal money, by such yearly payments as aforesaid, instead of the said sum of five pounds *per centum per annum*, and shall and will continue such respective payments of the said interest, and on account of the said principal money, so long as he shall continue rector, vicar, &c. (*as the case shall be*) of the said parish and parish church, unless all the said principal money, and interest for the same, shall be sooner paid and discharged. Provided always, and these presents are upon this condition, that if the said *A. B.* and his successors, shall well and truly pay, or cause to be paid, the said principal money, and interest for the same, in manner and at the times aforesaid, according to the true intent and meaning of the said act, and of these presents, and also all costs and charges which shall have been occasioned by the nonpayment thereof, these presents, and every thing herein contained, shall cease and be void.] Provided also, that it shall and may be lawful for the said *A. B.* and his successors, peaceably and quietly to hold, occupy, possess, and enjoy, all and singular the said glebe lands, tithes, rents, moduses, composition for tithes, stipends, fees, gratuities, and other emoluments and profits whatsoever, arising, or to arise, from or in respect of the said living, until default shall be made by him or them respectively in the payment of the interest and principal, or some part thereof, at the times and in the manner aforesaid. In witness, &c.

*Nomination of a clergyman by the bishop, to settle any dispute about the proportion of the payments within the year in which any avoidance shall happen.*

I the right reverend bishop of  
pursuant to the authority of an act, passed in the seventeenth year of the reign of his majesty king *George* the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*, do hereby nominate the reverend

being a clergyman within my said diocese, to adjust and determine the matter in dispute between the reverend clerk, the present incumbent of the rectory,

vicarage, &c. of \_\_\_\_\_ within my diocese, and  
 the representatives of the  
 the last incumbent (*in case of his death*) or the said  
 (*in case of his resignation or promotion*) concerning the  
 due proportion to be paid by each of the said parties of the principal  
 and interest which accrued due within the year in which such death  
 or other avoidance happened, according to the direction, true intent,  
 and meaning of the said act. Given under my hand, this  
 day of \_\_\_\_\_

*Award and determination of the clergyman nominated by the bishop.*

I the reverend A. B. of \_\_\_\_\_ in the county of  
 \_\_\_\_\_ and diocese of the bishop of  
 clerk, having been nominated by the said bishop, pursuant to the  
 power given by an act, passed in the seventeenth year of the reign  
 of his majesty king *George the third*, intituled *an act to promote the*  
*residence of the parochial clergy, by making provision for the more*  
*speedy and effectual building, rebuilding, repairing, or purchasing*  
*houses, and other necessary buildings and tenements, for the use of their*  
*benefices*, to adjust and determine the matter in dispute between the  
 reverend \_\_\_\_\_ clerk, the present incumbent of the  
 rectory, vicarage, &c. of \_\_\_\_\_ within the said diocese,  
 and \_\_\_\_\_ the representatives of the last incumbent (*in*  
*case of his death*) or the said \_\_\_\_\_ (*in case of his resignation*  
*or promotion*) concerning the due proportion to be paid by each of  
 the said parties, of the principal and interest which accrued due  
 within the year in which such death or avoidance happened,  
 according to the direction and true intent and meaning of the said  
 act; and having heard and duly considered the said matters so re-  
 ferred to me as aforesaid, do award, adjudge, and determine, that  
 the said \_\_\_\_\_ shall pay, in respect of the interest and  
 principal which became due within the year aforesaid, the sum of  
 \_\_\_\_\_ and that the said  
 shall pay, in respect of the same, the sum of \_\_\_\_\_ being  
 the remainder thereof, according to the provision and direction of  
 the said act. Given under my hand, this  
 day of \_\_\_\_\_

*Appointment of the nominee, (to be wrote on parchment.)*

WE whose names are subscribed, being the ordinary, patron,  
 and incumbent, of the rectory, vicarage, &c. of \_\_\_\_\_  
 within the county of \_\_\_\_\_  
 and diocese of the bishop of \_\_\_\_\_ do hereby nominate  
 and appoint \_\_\_\_\_ of \_\_\_\_\_ to receive the money  
 authorized to be raised by an act, passed in the seventeenth year of  
 the reign of his majesty king *George the third*, intituled *an act to*  
*promote the residence of the parochial clergy, by making provision for*  
*the more speedy and effectual building, rebuilding, repairing, or pur-*  
*chasing houses, and other necessary buildings and tenements, for the*  
*use of their benefices*, for the purpose of building, rebuilding, repairing,

or purchasing, the parsonage house, &c. (*as the case shall be*) to the said rectory, vicarage, &c. belonging, and to pay and apply the same, and to enter into contracts with proper persons for such buildings or repairs, and to inspect and take care of the execution of such contracts, and to take such receipts and vouchers, keep such accounts, and do and perform all such other matters and things, which nominees are authorized and required to do and perform in and by the said act, the said \_\_\_\_\_ having given security for the due application thereof, according to the direction of the said act. Given under our hands, this \_\_\_\_\_ day of \_\_\_\_\_.

*Form of order of the ordinary, patron, and incumbent, for laying out or applying the surplus money.*

WE whose names are subscribed, being the ordinary, patron, and incumbent, of the rectory, vicarage, &c. of \_\_\_\_\_ in the county of \_\_\_\_\_ and diocese of the bishop of \_\_\_\_\_ do hereby order, that the sum of \_\_\_\_\_ now remaining in the hands of \_\_\_\_\_ the person nominated and appointed to receive and apply the money raised for building, repairing, &c. the parsonage house, &c. belonging to the said rectory, vicarage, &c. under the act of parliament, passed in the seventeenth year of the reign of his majesty king George the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices,* shall be [paid to \_\_\_\_\_ being the person entitled to receive the money now remaining due on the mortgage made of the glebe lands, tithes, and other profits and emoluments of the said living, and applied in part of payment thereof, pursuant to the direction of the said act] or [applied in building or repairing, &c. (*describing the same*) upon the glebe belonging to the said living.] Given under our hands, this \_\_\_\_\_ day of \_\_\_\_\_.

*Form of certificate from the two clergyman.*

WE, the reverend A. B. of \_\_\_\_\_ in the county of \_\_\_\_\_ clerk, and C. D. of \_\_\_\_\_ clerk, being two clergymen within the diocese of the bishop of \_\_\_\_\_ do hereby certify to the said bishop, pursuant to the directions and instructions sent by him to us, that we have made inquiry into the state and condition of the buildings upon the glebe belonging to the rectory, vicarage, &c. of \_\_\_\_\_ within the said diocese, at the time the reverend \_\_\_\_\_ clerk, the present incumbent thereof, entered upon the said living, which was in or about the year of our Lord \_\_\_\_\_ and do find [that the same have been kept in due and common repair, without any wilful neglect, (*if the case is so*)] or [that the same have, by wilful negligence, been suffered to go to decay, and that they have sustained damage, from a want of common and ordinary repair, to the amount \_\_\_\_\_]

of pounds] and we have also inquired into the money received by the said for dilapidations, from the representatives of the former incumbent, and do find, that he hath received the sum of for such dilapidations; and [that he hath expended the whole, or thereof (*as the case may be*) in the necessary repairs of the buildings] or [that the same hath not been laid out or expended in repairing the buildings] upon the glebe belonging to the said living. Giving under our hands, this day of .

*Form of the deed of sale, or exchange, of lands or tithes belonging to the living or benefice.*

THIS indenture, made the day of in the year of the reign of his majesty king George the and in the year of our Lord between *A. B.* ordinary of the rectory, (vicarage, chapelry, or perpetual cure, *as the case shall be*) of in the county of *C. D.* of patron of the said rectory, &c. and the reverend *E. F.* clerk, incumbent of the said rectory, &c. of the one part, and *G. H.* of of the other part. Whereas, in the execution of an act, passed in the seventeenth year of the reign of his present majesty king George the third, intituled an act, &c. (*here set forth the title of the act*) it hath been found convenient to purchase (*or exchange, as the case shall be*) certain lands, &c. (*describe particularly the lands purchased*) lying near and convenient to the parsonage house belonging to the said rectory, &c. (*or, if the house be lately purchased*) [lying near a certain messuage, house, or tenement, and buildings, lately purchased for the habitation of the minister of the said rectory, &c. under the powers of the said act] and it hath been found most convenient, and agreed by the said ordinary, patron, and incumbent, that the glebe lands (*or tithes, as the case shall be*) hereinafter described, belonging to the said rectory, &c. shall be sold, to raise the sum of being the purchase money for the said lands hereinbefore described (*or exchanged, if the same is to be done by exchange, in order to make an equivalent for such lands*) and a contract hath been made with the said *G. H.* for the absolute sale, at the price or sum of (*or exchange, as the case shall be*) of part of the glebe land (*or of the tithes, as the case shall be*) belonging to the said rectory, &c. hereinafter mentioned; that is to say, (*here describe the particulars of the land or tithes proposed to be sold or exchanged*) which contract is hereby ratified and confirmed by the said ordinary, patron, and incumbent: now this indenture witnesseth, that the said *A. B. C. D.* and *E. F.* in order to carry the said contract into execution, and to fulfil the purposes of the said recited act, in pursuance of the powers thereby to them given, and in consideration of the sum of the receipt whereof is acknowledged on the back of this deed; which sum hath been paid and applied in the purchase of the lands hereinbefore described; have, and each of them hath granted, bargained, and sold (and exchanged, *if the same be by exchange*) and by these pre-

sents do, and each of them doth grant, bargain, sell, (and exchange, *if by exchange*) unto the said *G. H.* and his heirs and assigns, all, &c. (*here describe the lands or tithes, as the case shall be*) with their and every of their rights, privileges, and appurtenances, to hold to and to the use of the said *G. H.* his heirs and assigns for ever. (*If done by exchange, add the following words*) [in exchange for certain lands which belonged to the said *G. H.* and are, by indentures of equal date herewith, exchanged and conveyed to the said *C. D.* in trust, for the sole use and benefit of the said *E. F.* and his successors, rectors, vicars, &c. (*as the case shall be*) of the said living or benefice, for the time being, for ever.] And the said *A. B. C. D.* and *E. F.* do hereby severally covenant for themselves, their several executors and administrators, to and with the said *G. H.* his heirs and assigns, that they, nor any of them, have or hath done any act whereby the said lands (*or tithes, as the case shall be*) can or may be incumbered; and that the said *G. H.* his heirs and assigns, shall and may, from time to time, for ever hereafter, peaceably and quietly hold and enjoy the said glebe lands *or tithes (as the case shall be)* according to the true intent and meaning of the said act, without any let, hindrance, or interruption, of or from them, or any of them. In witness, &c.

*Form of the deed of purchase or exchange of buildings or lands to be annexed to the living or benefice.*

THIS indenture, made the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the reign of his majesty king \_\_\_\_\_ and in the year of our Lord \_\_\_\_\_ between *A. B.* of \_\_\_\_\_ of the one part; *C. D.* ordinary of the rectory, vicarage, chapelry, or perpetual cure (*as the case shall be*) of \_\_\_\_\_ in the county of \_\_\_\_\_ *E. F.* of \_\_\_\_\_ patron of the said rectory, &c. and the reverend *G. H.* clerk, incumbent of the said rectory, &c. of the other part. Whereas there is no parsonage house belonging to the said rectory, &c. (*or*) [the parsonage house belonging to the said rectory, &c. is become so ruinous and decayed (*or so mean*) that it is not fit for the habitation of the minister of the said rectory, &c.] and one year's net income or produce of the said living or benefice will not be sufficient to rebuild or repair the said house, with the necessary offices belonging thereto: and whereas a certain messuage, house, or tenement, with the buildings thereunto belonging, situate in \_\_\_\_\_ the property of the said *A. B.* and lying within the distance of \_\_\_\_\_ yards from the church (*or chapel, as the case shall be*) of the said rectory, &c. appears to the said ordinary, patron, and incumbent, proper and convenient for the habitation and use of the minister of the said rectory, &c. [and more commodious than the present house and buildings upon the glebe of the said rectory, &c.] (*in cases where there are any*); and a contract hath been made, by the direction and with the approbation and consent of the said ordinary, patron, and incumbent, with the said *A. B.* which is hereby ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the said messuage, house,

or tenement, and buildings, for the price or sum of pursuant to the directions of an act, passed in the seventeenth year of the reign of his majesty king *George* the third, intituled *an act, &c. (set forth the title of the act)*:

*This to be inserted when the lands are purchased from the same person who sells the house and buildings.*

[And whereas a contract has likewise been made with the said *A. B.* by the like direction, approbation, and consent, which is hereby likewise ratified and confirmed by the said ordinary, patron, and incumbent, for the absolute purchase of the inheritance of a certain yard, garden, orchard, and piece or parcel of land (*describing them particularly, as the case shall be*) lying near or convenient to the said messuage, house, tenement, and buildings, containing, by admeasurement, for the price or sum of \_\_\_\_\_ which have been agreed by the said ordinary, patron, and incumbent, to be raised by the sale (*or exchange*) of certain lands or tithes (*as the case shall be*) belonging to the said rectory, &c. hereinafter described, pursuant to the powers given by the said act; *viz. (here give a full description of the lands so agreed to be sold)*; (*if the equivalent is to be by exchange, then after the word incumbent last mentioned, insert* [and the said *A. B.* to be exchanged for [certain lands or tithes, &c. (*as above.*)] Now this

indenture witnesseth, that the said *A. B.* for and in consideration of the said several sums of \_\_\_\_\_ and \_\_\_\_\_ to him in hand paid for the purchases aforesaid, (*if both the buildings and lands are purchased for money*); (*but if the equivalent for the land is to be by exchange, then*) [in consideration of the said sum of \_\_\_\_\_

for the purchase of the said messuage, house, or tenement, and buildings, and in consideration of the land (*or tithes, as the case shall be*) so agreed to be exchanged as aforesaid, and intended to be conveyed to him the said *A. B.* by the said ordinary, patron, and incumbent, by indenture of equal date herewith] the receipt of which said sum (*or sums of money, as the case shall be*) [and acknowledgement of the said exchange] (*if the equivalent for the land is to be by exchange*) the said *A. B.* hath admitted, by an indorsement on the back of this deed, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell (*if by exchange*) [hath granted, bargained, sold, and exchanged, with, and] unto the said *E. F.* and his heirs, all, &c. (*here insert a full description of the buildings or lands so intended to be conveyed, with their and every of their rights, privileges, and appurtenances*) to hold to the said *E. F.* and his heirs, in trust, for the sole use and benefit of the said *G. H.* and his successors, rectors, vicars, &c. (*as the case shall be*) of the said living or benefice for the time being, for ever: and the said *A. B.* for himself, his heirs, executors, and administrators, doth covenant and agree to and with the said *E. F.* and his heirs, that he hath good right to convey the said messuage, house, or tenement, and buildings, lands, &c. (*as the case shall be*) and that he will warrant the same, for the uses and purposes aforesaid, for ever, free from all claims, charges, and incumbrances whatsoever, by, from, or under him, or any of his ancestors. In witness, &c.

*Form of certificate of residence.*

WE, *A. B.* rector, vicar, or officiating minister (*as the case shall be*) of the parish of \_\_\_\_\_ in the diocese of \_\_\_\_\_ clerk, and *C. D.* rector, vicar, or officiating minister (*as the case shall be*) of the parish of \_\_\_\_\_ within the said diocese, clerk, which said parishes of \_\_\_\_\_ and \_\_\_\_\_ are near adjoining to the parish of \_\_\_\_\_ within the said diocese, do hereby certify, that *E. F.* rector, vicar, or incumbent (*as the case shall be*) of the said parish and parish church of \_\_\_\_\_ aforesaid, hath resided upon his living or benefice, within that parish, for the space of twenty weeks, between the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ last. Given under our hands, this \_\_\_\_\_ day of \_\_\_\_\_.

*Form of consent where the living or benefice shall be in the patronage of the crown, or within the duchy of Lancaster.*

WHEREAS the living or benefice of \_\_\_\_\_ within the diocese of \_\_\_\_\_ is in the patronage of [the crown, and rated above or under (*as the case shall be*) twenty pounds *per annum* in the king's books], or of the chancellor of the duchy of Lancaster, (*as the case shall be*); and application hath been made for building, (rebuilding, repairing, or purchasing, or exchanging, *as the case shall be*) the parsonage house or other buildings or land (*as the case shall be*) for the use of the said living or benefice, in pursuance of the powers given for that purpose, by an act passed in the seventeenth year of the reign of his majesty king *George* the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*; now I the right honourable \_\_\_\_\_ first lord commissioner of the treasury, [lord high chancellor of *Great Britain*], or chancellor of the duchy of *Lancaster*, (*as the case shall be*) being satisfied that such building, rebuilding, repairing, purchasing, or exchanging, &c. (*as the case shall be*) will be an improvement and advantage to the said living or benefice, do hereby consent, that such buildings, repairs, purchases, or exchanges, (*as the case shall be*), shall be made, according to the directions and the true intent and meaning of the said act. Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_.

21 GEORGE 3, CAP. 66.—*An act to explain and amend an act, made in the seventeenth year of the reign of his present majesty, intituled an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices.*—Whereas by an act, passed in the seventeenth year of the reign of his present majesty, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses, and other necessary buildings and tenements, for the use of their benefices*; it is enacted, amongst other

Preamble.  
Recital of  
17 Geo. 3,  
c. 53.



things, that the incumbent of every living or benefice, of which the glebe, tithes, rents, and profits, shall be mortgaged for the purposes of the said act, shall pay the interest arising upon every such mortgage, yearly, as the same shall become due; and also five pounds *per centum per annum*, if such incumbent was resident, and ten pounds *per centum per annum*, if non-resident of the principal remaining due, by yearly payments; which words, if literally understood and observed, would, contrary to the true intent and meaning of the said act, render the discharge of the principal sum impracticable, and thereby discourage persons from lending money upon such securities; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the incumbent of every living or benefice of which the glebes, tithes, rents, and profits, have been or shall be mortgaged for the purposes of the said act, shall, from and after the passing of this act, well and truly pay, or cause to be paid, to every such mortgagee, over and besides the interest of the principal money due upon such mortgage, the sum of five pounds *per centum per annum*, if resident, or ten pounds *per centum per annum*, if non-resident, of the money originally advanced upon such mortgage, until the whole of the said principal money shall be discharged; and if, upon any such mortgage or mortgages already made, less shall have been paid by the present incumbent than what is hereby directed to be paid, he shall, and he is hereby required, within six months after the passing of this act, to make up the deficiency; and in default of payment thereof within the time aforesaid, the same shall be recovered in such and the same manner as the interest is recoverable by virtue of the provisions in the said recited act.

The incumbent of every living, whereof the glebes, &c. have been or shall be mortgaged for the purposes of the recited act, shall pay to the mortgagee, besides interest, five per cent. per ann. of the principal, if resident, or ten per cent. if non-resident.

Forms in the schedule to be observed.

II. And be it further enacted, that the forms contained in the said schedule respecting the allowance of accounts, and the bond and receipt to be given by the nominee, as directed by the said recited act, or forms to the like effect shall be observed and complied with in the execution of this and the said recited act.

Public act.

III. And be it further enacted, that this act, and every thing herein contained, shall be deemed, adjudged, and taken to be a public act; and shall be judicially taken notice of as such by all judges, justices, and other persons whomsoever, without specially pleading the same.

State of account of the money advanced and paid by *A. B. (rector or vicar, &c. as the case shall be)* of the living of \_\_\_\_\_ in the county of \_\_\_\_\_ for the building (*rebuilding, or repairing*) the parsonage house and buildings belonging to the said living according to the direction of a statute made in the seventeenth year of the reign of his majesty king *George* the third.

C. D. *ordinary.*

E. F. *patron.*

G. H. *incumbent.*

*Form of allowance of the nominee's account of the money received and expended by him pursuant to the directions of the said statute of the*

*seventeenth of George the third, to be written at the foot of such account.*

WE have examined, and do hereby approve and allow the above account. Given under our hands, this day of

A. B. *ordinary.*

C. D. *patron.*

E. F. *incumbent.*

*Receipt to be signed by the nominee for the money which shall be borrowed and paid into his hands, pursuant to the direction of the said act.*

I *A. B.* being the person nominated by the ordinary, patron, and incumbent, of the rectory (*vicarage, &c. as the case shall be*) of in the county of and diocese of the bishop of to receive and apply the money authorized to be borrowed by mortgage of the glebe, tithes, rents, and other profits and emoluments of the said for the purpose of building (*rebuilding, or repairing, as the case shall be*) the parsonage house (*or outbuildings, &c. as the case shall be*) belonging to such living or benefice, do hereby acknowledge to have received from the hands of *C. D.* being the person to whom such mortgage is intended to be made, the sum of being the sum for which such mortgage or security is to be made: and I do hereby promise to apply the same in such manner and for such purposes as are directed by the said act.

*Form of bond to be given by the nominee and his surety, pursuant to the direction of the said act.*

OBLIGATION of the bond (*in the common form of obligations*) from *A. B.* (*describing him as in the last form of receipt*) and *C. D.* of &c. (*describing the surety*) to (*describing the ordinary*) in the penal sum of (*to be double the sum for which the security is to be given, &c. &c.*)

*Form of the condition of the said bond.*

THE condition of the above obligation is such, that if the said *A. B.* (*naming the nominee as before mentioned*) shall and do justly and truly pay and account for the sum of received by him this day from *C. D.* being the person to whom a mortgage hath been this day made and executed of the glebe, tithes, rents, and other profits and emoluments, of the rectory, (*vicarage, &c. as the case shall be*) of for the purpose of building (*rebuilding, or repairing*) of the said rectory, &c. (*as the case shall be*), according to the true intent and meaning of two several acts of parliament, passed in the seventeenth and twenty-first years of the reign of his majesty king *George* the third, for those purposes; then this obligation to be void, or otherwise to remain in force.

A. B.

C. D.

21 H. 8, c. 13.

\* (See c. 109 of this session, s. 3.)

Spiritual persons against whom no action shall have been brought under recited act indemnified, and contracts which would be good after passing this act, valid, notwithstanding recited act.

Persons sued under recited act, may apply to the court, if sitting, or to a judge if not sitting, to stay proceedings upon certain conditions.

43 GEORGE 3, CAP. 84.—*An act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England.*—Whereas many of the provisions of an act, made in the twenty-first year of the reign of his majesty king Henry the eighth, intituled \* *spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.*, and other the laws now in force relating to spiritual persons residing on their benefices, have been found inconvenient; and it is expedient that certain of the provisions of the said act should be repealed, and that other provisions should be made in lieu thereof, and that the said act and laws aforesaid should be amended, and more effectual provisions made for enforcing the residence of spiritual persons on their benefices, and protecting spiritual persons from vexatious prosecutions: may it therefore please your majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the passing of this act, every spiritual person who shall before the passing of this act, have incurred any pecuniary penalty or penalties, or any forfeiture or forfeitures under the said recited act, for or in respect of non-residence or farming of lands, and against whom no action, suit, bill, plaint, or information, shall have been brought in respect thereof under the said act, shall be, and is hereby indemnified, freed, and discharged from the same, any thing in the said recited act to the contrary thereof notwithstanding; and all contracts, agreements, and leases, made by words, or otherwise, before the passing of this act, by any spiritual person, either by himself or any other to or for his use, which if made after this act would, according to the provisions thereof, be good and valid, shall, notwithstanding the said recited act, or any act, or law or laws to the contrary, be and be deemed to be as good and valid in the law, to all intents and purposes, as if the same had been made after the passing of this act.

II. And be it further enacted, that, immediately from and after the passing of this act, it shall be lawful for any person or persons against whom any original writ, suit, action, bill, plaint, or information, shall have been sued out, commenced, or prosecuted, before the passing of this act, for any pecuniary penalty or penalties, or any forfeiture or forfeitures incurred or alleged to be under the said recited act, to apply to the court in which such original writ, suit, action, bill, plaint, or information, shall have been sued out, commenced, or prosecuted, if such court shall be sitting, or to any judge of any such court when not sitting, for an order that such writ, suit, action, bill, plaint, or information, shall be discontinued, upon payment of the sum of ten pounds in every case where a verdict shall be obtained, together with the costs; and where no verdict shall have been obtained, upon payment of the costs incurred up to the time of such application being made, all such costs to be taxed as between attorney and client, according to the practice of such court, and every such court or judge is hereby authorized and required, upon such application, to make such order as aforesaid; and upon the making such order, and payment of such costs as aforesaid, such writ, suit,

action, bill, plaint, or information, shall be forthwith discontinued; and in every case until such application shall be made as aforesaid, it shall be lawful for the plaintiff or plaintiffs, in any such original writ, suit, action, bill, plaint, or information, to proceed therein as if this act, or an act, passed in the forty-first year of the reign of his present majesty, intituled *an act to stay, until the twenty-fifth day of March one thousand eight hundred and two, proceedings in actions under the statute of king Henry the eighth, for abridging spiritual persons from having pluralities of livings, and from taking of farms*, had not been passed; any thing in this act, or the said last recited act, or in any other act or acts continuing the same, to the contrary thereof notwithstanding.

III. Provided nevertheless, that in all cases in which any such writ, suit, action, bill, plaint, or information, shall have been sued out or commenced at any time on or subsequent to the first day of July one thousand eight hundred and one, it shall be competent to such court or judge as aforesaid, to make such order as aforesaid for discontinuing the same, without payment of any costs; and upon making such order, such writ, suit, action, bill, plaint, or information, shall be forthwith discontinued.

IV. And be it further enacted, that, from and after the passing of this act, it shall be lawful for any spiritual person to take to farm to himself, or to any person or persons to his use, by lease, grant, words, or otherwise, for term of life, for term of years, or at will, any messuage, mansion, or dwellinghouse, with or without orchards, gardens, and other appurtenances, although not in any city, borough, or town, any thing in the said recited act, or any other act to the contrary thereof notwithstanding; and it shall also be lawful for any spiritual person having or holding any \*donative, perpetual curacy, or parochial chapelry, not having any sufficient or convenient glebe or demesne lands annexed to, or in right of, or by reason of his benefice or cure or chapelry, or for any stipendiary curate, or any unbeneficed spiritual person, with the consent or approbation of the bishop of the diocese, signified in writing, to take to farm to himself, or to any person or persons to his use for a limited term of years, any farm or farms, lands, tenements, or hereditaments, that may, under all the circumstances, appear to such bishop proper to be taken, held, or occupied by any such spiritual person, for the convenience and accommodation of his household and hospitality only, without being subject or liable to any pains, penalties, or forfeitures, under the said first recited act or any other act by reason thereof, any thing therein contained to the contrary notwithstanding: provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any non-residence of any such spiritual person as aforesaid.

V. And be it further enacted, that, from and after the passing of this act, it shall be lawful for any spiritual person or persons, by himself or themselves, or any other to his or their use, to have, hold, use, or occupy in farm, any manors, lands, tenements, or hereditaments, demised, leased, or granted to such spiritual person or persons, as the property or estate of such spiritual person or persons; or to take, purchase, receive, or hold, as the property and estate of such spiritual person, any lease or leases for life or lives, or for term or

Till such application actions may proceed, notwithstanding this act, or 41 G. 3, (U.K.) c. 102, &c.

Court or judge may order any suit commenced, on or subsequent to July 1, 1801, to be discontinued

Spiritual persons may take houses, &c. though not in a city, &c. and such as have not sufficient glebe, may by consent of the bishop take farms.

\* [Benefice, see 45 G. 3, c. 109, s. 1.]

May hold estates as property, but not any farm for cultivation unless under a lease granted on or before January 1, 1803, or by consent of the bishop.

terms of years, absolute or determinable on any life or lives, or to take any annual rent, or other annual advantage or profit by occasion of any lease or farm of any manors, lands, tenements, or hereditaments, the property or estate of any such spiritual person or persons belonging to him or them, either in his or their own right, or in the right of any other person or persons, or in right or by reason of his or their having or holding any spiritual dignity or benefice, or so taken, purchased, received, or held as aforesaid, as the property or estate of such spiritual person, without being subject to any pains, penalties, or forfeitures whatever, under the said first recited act, or any other act, any thing therein contained to the contrary thereof notwithstanding: provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any spiritual person, having or holding any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, or serving a stipendiary curacy, to take, receive, or hold any such manors, lands, tenements, or hereditaments, after the passing of this act, for the purpose of occupying or to occupy the same, for the cultivation thereof, or procuring profit therefrom, by himself or any bailiff or bailiffs, or servant or servants for his use, unless the same shall have been taken, received, or holden under a lease granted to such person on or before the first day of *January* one thousand eight hundred and three, or unless by the consent or approbation of the bishop as aforesaid, signified in writing.

May buy or sell cattle or corn for the occupation of farms.

VI. And be it further enacted, that from and after the passing of this act, it shall be lawful for any spiritual person, by himself, or by any other for him or to his use, to bargain, and buy or sell again for any lucre, gain, or profit, any manner of cattle or corn that may be necessary, proper, or convenient to be bought, sold, kept, or maintained by such spiritual person, or any other person for him or to his use, for the occupation, manuring, improving, pasturage, or profit of any farms, lands, tenements, or hereditaments, that may under and by virtue of any law or laws now in force, or under any of the provisions of this act be lawfully held and occupied, possessed, or enjoyed, by such spiritual person, or any other for him or to his use, without being subject to any pains, penalties, or forfeitures, by reason thereof, under the said first recited act, or any other act, or any thing therein contained to the contrary thereof notwithstanding: provided always, that nothing in this act contained shall extend, or be construed to extend, to authorize any such spiritual person to buy or sell any cattle as aforesaid, or corn, in person, in any market, fair, or place of public sale.

Vicars or curates may take leases of the impropriate parsonages of their parishes;

VII. And be it further enacted, that, from and after the passing of this act, it shall be lawful for any spiritual person having or holding any vicarage or perpetual curacy, or for the stipendiary curate thereof respectively, to occupy by himself or by any other to his use in farm, of the lease or grant of any person or persons, the impropriate parsonage, rectory, or vicarage respectively, of the parish of which such spiritual person shall be the vicar, or perpetual curate, or stipendiary curate, or any part or parts thereof respectively, or to take any profit or rent out of any such farm, without being subject to any pains, penalties, or forfeitures, by means thereof, under the

said first recited act; any thing therein contained to the contrary thereof notwithstanding.

VIII. Provided nevertheless, that in such cases in which such improper parsonage, rectory, or vicarage, or such part or parts thereof as shall be so occupied as aforesaid, shall not at any time before the passing of this act, have been so occupied by the same, or any other such spiritual person as aforesaid, such person shall remain liable to such pains, penalties, and forfeitures, unless he shall have obtained the licence of the bishop for so occupying the same.

but where not occupied by a spiritual person before passing this act, the licence of the bishop necessary.

IX. And be it further enacted, that any clergyman, possessed of any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, who shall be licensed or otherwise exempted from residence under this or any other act, may take to farm and occupy in the parish where he resides, or any adjoining parish, such lands for the convenience and accommodation of his household and hospitality only, as the bishop of the diocese in which he resides may allow by any writing under his hand.

Clergymen licensed, or exempted from residence, may occupy, where he resides, such lands as the bishop may allow.

X. And be it further enacted, that an act, made in the thirteenth year of the reign of queen *Elizabeth*, intituled *an act touching leases of benefices, and other ecclesiastical livings with cure*, together with all and every explanations, additions, and alterations thereof, made by several statutes in the fourteenth, eighteenth, and forty-third years of her said majesty's reign, and also so much of an act made in third year of the reign of king *Charles* the first, intituled *an act for continuance and repeal of divers statutes*, whereby the same were made perpetual, be from henceforth repealed.

13 Elis. c. 30, and its continuing statutes repealed

XI. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to deprive any spiritual person of any privilege, indemnity, or permission, as to the taking, having, or holding any farms or lands to which any such spiritual person was or would be entitled unto, under any of the provisions of the said recited act of his said late majesty king *Henry* the eighth, or any otherwise howsoever.

This act shall not deprive spiritual persons of any privileges.

XII. And be it further enacted, that, from and after the passing of this act, so much of the said first recited act as imposes the penalty of ten pounds, in the said act mentioned, on any spiritual person therein described, who shall not keep residence on one of his dignities, prebends, or benefices, but absent himself wilfully by the space of one month together, or by the space of two months, to be accounted at several times in any one year, shall be and the same is hereby repealed; and that, from and after the passing of this act, every spiritual person, being possessed of any archdeaconry, deanery, or other dignity, prebend, benefice, donative, or perpetual curacy, or parochial chapelry, who shall, without sufficient cause, as in the said first recited act, or under an act passed in the twenty-fifth year of the reign of king *Henry* the eighth, intituled *an act that every judge of the high courts may have one chaplain beneficed with cure*, or under another act, passed in the twenty-eighth year of the reign of king *Henry* the eighth, intituled *the bill for non-residence of spiritual men and their benefices*, or under another act, passed in the thirty-third year of the reign of king *Henry* the eighth, intituled *an act for the chancellor of the duchy of Lancaster and others to have chaplains*, is

Penalty for non-residence under recited act 21 H. 8, c. 13, repealed, and other penalties imposed.

25 H. 8, c. 16.

28 H. 8, c. 13.

33 H. 8, c. 38.

specified, or such other sufficient cause as would exempt such spiritual person from any of the pains, penalties, and forfeitures under the said recited acts for any non-residence, and who shall not have any such licence or exemption as is in this act mentioned for that purpose, wilfully absent himself therefrom for the space of three months together, or to be accounted at several times in any one year, and make his residence and abiding at any other place or places, except at some other dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, of which he may be possessed, shall, when such absence shall exceed such period as aforesaid, and not exceed six months, forfeit and pay one third of the annual value (deducting therefrom all outgoings, except any stipend paid to any curate) of the dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, from which he shall so absent himself as aforesaid; and when such absence shall exceed six months, and not exceed eight months, one half of such annual value; and when such absence shall exceed eight months, two thirds of such annual value; and when such absence shall have been for the whole of the year, three fourths of such annual value; to be recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at *Westminster*, or the courts of great sessions in *Wales*, wherein no essoin, privilege, protection, or wager of law, or more than one imparlance shall be allowed; and the whole of every such penalty or forfeiture shall go and be paid to the person or persons who shall inform and sue for the same, together with such costs of suit as shall be allowed, according to the practice of the court in which such action shall be brought; provided, that no parsonage that hath a vicar endowed, or perpetual curate, and having no cure of souls, shall be taken to be or be comprehended under the name of benefice, within the true intent and meaning, or for the purposes of this act.

No parsonage that hath a vicar endowed, &c. shall be deemed a benefice.

The court in which any action shall be depending, may require the diocesan to certify the reputed annual value of benefices, &c.

XIII. And be it enacted, that the court in which any such action, bill, plaint, or information, shall be depending, may and shall, upon application made for that purpose, require by rule or order of the said court, or any judge thereof, the archbishop or bishop of the diocese, within the limits of which the dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, shall be locally situate, or to whom the same shall be subject, according to the provisions of this act, for or by reason of non-residence, in, at, or upon which the penalties and forfeitures shall be sought to be recovered by such action, bill, plaint, or information, to certify in writing under his hand to the said court; and also to the party for that purpose named in the said rule or order, the reputed annual value of such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry; and upon such rule or order being left with such archbishop or bishop, or the registrar of such archbishop or bishop, such archbishop or bishop shall accordingly so certify such reputed annual value, and such certificate shall in all subsequent proceedings upon such action, bill, plaint, or information, be received and taken as evidence of the annual value of such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, respectively, for the purposes of this act, without prejudice nevertheless to the ad-

missibility or effect of any such other evidence as may be offered or given respecting the actual value thereof.

XIV. Provided also, and be it further enacted, that no spiritual person being possessed of any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, who shall have made his residence and abided at his said dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, for the space of one whole year, without wilful absence therefrom, for any longer time than three months together, or in the whole at several times, shall be liable to any of the pains, penalties, or forfeitures in this act or the said recited act contained, for any previous non-residence, unless the action for the recovery of such penalties or forfeitures shall have been actually commenced against such person, previous to his having completed such residence for one year, in the manner herein specified.

No person having resided a year without absence for more than three months shall be liable for any previous non-residence, unless the action be commenced before he has so resided.

XV. And be it further enacted, that no spiritual person having or holding any office, in such manner as the same under any of the provisions of the said first recited act, or of an act, passed in the twenty-fifth year of the reign of king *Henry* the eighth, intituled *an act that every judge of the high courts may have one chaplain beneficed with cure*; or of another act passed in the twenty-eighth year of the reign of king *Henry* the eighth, intituled *the bill for non-residence of spiritual men and their benefices*; or of another act, passed in the thirty-third year of the reign of king *Henry* the eighth, intituled *an act for the chancellor of the duchy of Lancaster and others, to have chaplains*; would exempt such spiritual persons from residence, or from the penalties and forfeitures in the said acts contained for non-residence, or actually serving as a chaplain of the house of commons, or as clerk of his majesty's closet, or as deputy clerk thereof, during the time of their respective attendance, or as a chaplain general of his majesty's forces, or brigade chaplain on foreign service, or chaplain on board any of his majesty's ships, or of his majesty's dock yards, or in any of his majesty's garrisons, or chaplain of his majesty's corps of artillery, during the times of attending the duties of such offices respectively, or as chaplain to any *British* factory, or in the household of any *British* ambassador or public minister residing abroad, during the time of his actually residing in such factory or household, and performing there at all due times and seasons the duties of such his office, or as chancellor or vicar general, or in his absence the principal surrogate or official in any ecclesiastical court of any diocese, whilst they are residing in the places where their respective offices are exercised, or as minor canon, or vicar choral, or priest vicar, or any such other public officer in any cathedral or collegiate church, during the times for which they may be required by the canons or local statutes thereof to reside at such cathedral or collegiate church, and actually reside and perform duty at the same, or as deans, sub-deans, priests, or readers in his majesty's royal chapels at *Saint James's* and *Whitehall*, or as reader in his majesty's private chapel at *Windsor* or elsewhere, or as chaplain at the royal military asylum at *Chelsea*, or royal military college at *High Wycombe*, or teacher at the royal military academy at *Woolwich*, or chaplains at the royal hospitals at *Greenwich* and *Chelsea*, or as chaplains to the royal hospitals for seamen at *Haslar* and *Plymouth*, whilst they shall

Certain persons exempted from penalties for non-residence. (See ante, s. 12.)



respectively reside and perform the duties of their respective offices, or as a preacher or reader in any of the inns of court or at the rolls, or as bursar, dean, vice-president or public tutor or chaplain, or other such public officer, in any college or hall in either of the universities of *Oxford* or *Cambridge*, during the period for which he may respectively be required, by reason of any such office, to perform the duties of any such office, and actually shall perform the duties of the same, or as public librarian or public registrar, or proctor, or public orator, or other such public officer, in either of the said universities, during the period for which he may respectively be required, by reason thereof, to perform the duties of any such office, and actually shall perform the duties of the same, or as fellow of any college in either of the universities, or of *Eton* or *Winchester college*, during the time for which he may be required to reside by any charter or statute, and actually resides therein, or as warden or provost of *Eton* or *Winchester college*, during the time for which they may be respectively required to reside, or shall actually reside therein, or as schoolmaster or usher in the same, or as schoolmaster or usher of *Westminster school*, shall be liable to any of the pains, penalties, or forfeitures in the said first recited act or this act contained, for or on account of any non-residence on any dignity, prebend, benefice, donative, or perpetual curacy; any thing in the said act or this act contained to the contrary notwithstanding.

Persons entitled under 28 H. 8, c. 13, to privilege of non-residence till forty years, shall not be entitled to it after thirty.

XVI. And be it further enacted, that, from and after the passing of this act, no person or persons mentioned in an act, passed in the twenty-eighth year of the reign of king *Henry* the eighth, intituled *the bill for non-residence of spiritual men, and their benefices*, and entitled under the provisions of the said act or any other act, to the privilege and liberty of non-residence until after and above the age of forty years, shall be entitled to enjoy the privilege and liberty of non-residence after or above the age of thirty years, without prejudice nevertheless to any of the exceptions and savings contained in the said act; any thing in the said act contained to the contrary notwithstanding.

No penalty shall be levied personally where it can be recovered by sequestration of the benefice in three years.

XVII. And be it further enacted, that no penalty or costs incurred by any spiritual person by reason of any non-residence on his dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, shall be levied by execution against the body of such person, whilst he shall hold the same or any other dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, out of the profits of which the same can be levied by sequestration, within the term of three years; and in case the body of any such spiritual person shall be taken in execution for the same, the court in which the same was recovered, or any judge thereof, may and shall, upon application made for that purpose, discharge the party from such execution, in case it shall be made to appear to the satisfaction of such court or judge that such penalty and costs can be levied as aforesaid.

Bishops in England may grant licences for non-residence in certain cases.

XVIII. And be it further enacted, that, from and after the passing of this act, it shall be lawful for the several bishops respectively, in that part of the united kingdom of *Great Britain* and *Ireland* called *England*, upon application made for that purpose by petition in wri-

ting, by any spiritual person having or holding any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, locally situated within their respective dioceses, upon such proofs as to any facts stated in any such petition as any such bishop may think necessary, if he shall require it, by affidavit made before any surrogate or master extraordinary in chancery (which oath any surrogate or master extraordinary in chancery is hereby authorized and required to administer), to grant in such cases as are hereinafter enumerated, where, on due consideration of all the circumstances stated in any such application, and verified to the satisfaction of the bishop as aforesaid, such bishop shall in his discretion think it fit to grant the same, a licence in writing under his hand, expressing the cause of granting the same, for the non-residence of such spiritual person on his dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, for the purpose of exempting such person from any pecuniary penalties or forfeiture; under and subject nevertheless to the regulations, provisions, and restrictions in this act contained.

XIX. And be it further enacted, that it shall be lawful for any bishop to grant licences to any spiritual persons having any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, within his diocese, to reside out of the proper house of residence, or out of the parish, and within such distance therefrom, as the case may appear to such bishop to require, if, upon the consideration of all the circumstances of any such case, such bishop shall in his discretion think the same fit and proper, in the several cases hereinafter mentioned; (that is to say), to any spiritual person who shall be prevented from residing in the proper house of residence, or in the parish, by actual illness or infirmity of body of himself, or wife or child, making part of, and residing with him as part of his family; and also to any spiritual person having or holding any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, whereupon or wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such ecclesiastical person, such unfitness not being occasioned by any negligence, default, or other misconduct of such ecclesiastical person, such spiritual person keeping such house of residence in such repair as shall be to the satisfaction of the bishop; and also to any spiritual person having or holding any benefice, donative, perpetual curacy, or parochial chapelry, and having or possessing or occupying in the parish of the same respectively, any mansion or messuage belonging to himself or any relative, to reside in such mansion or messuage, such spiritual person keeping the house of residence, and other buildings belonging thereto, in good and sufficient repair and condition, to the satisfaction of the bishop; and also to any spiritual person having or holding any benefice, donative, perpetual curacy, or parochial chapelry, of small value, and serving as a stipendiary curate elsewhere, with the licence of the bishop of the diocese, and providing for the serving of such his benefice, donative, perpetual curacy, or parochial chapelry, to the satisfaction of the bishop of his diocese; and also to any master or usher of any endowed school duly licensed by the bishop, and actually employed in teaching therein, or to the master of any other school who now is or shall be, within one month

Cases in which any bishops may grant licences for non-residence.

after the passing of this act, duly licensed by the bishop; and also to any master or preacher of hospitals or incorporated charitable foundation during the period for which he may be required to reside by any charter or statute of any such hospital or incorporated charitable foundation, or by any other lawful authority, in the same, and shall actually reside and perform his duties therein; or to any person holding any endowed lectureship, or endowed chapelry, or endowed preachingship, and performing and executing the duties thereof respectively; or to any spiritual person having or holding any benefice, donative, perpetual curacy, or parochial chapelry of small value, and serving as preacher in any proprietary chapel in cities or towns, with the licence of the bishop in whose diocese he shall so officiate; or to the librarians of the *British* museum, or of *Sion* college; or to the trustees of lord *Crewe's* charity, during the times of their personal attendance on the duties of their office: provided always, that for any such licence, the party obtaining the same shall not pay more to the secretary or officer of the bishop than the sum of ten shillings, exclusive of any such stamps as may be required by law: provided always, that if any spiritual person applying to any bishop for any such licence, shall think himself aggrieved by the refusal thereof, it shall be lawful for such spiritual person to appeal to the archbishop of the province, who shall forthwith, either by himself, or some commissioner or commissioners appointed from among the other bishops of his province, under his hand, make, or cause to be made, inquiry into the same, and by writing, signed by himself, confirm such refusal, or grant a licence under this act, as shall seem just and proper: provided nevertheless, that the party appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal, as the archbishop, or his commissioner or commissioners shall award.

XX. And be it further enacted, that, from and after the passing of this act, it shall be lawful for any such bishop as aforesaid, in any cases not hereinbefore enumerated, in which, under all the circumstances of any such case, such bishop shall think it expedient to grant to any such spiritual person possessed of any dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, a licence to reside out of the proper house of residence, or out of the parish, as the case may be, or as the case may appear to such bishop to require, and to assign, in any case in which the stipendiary curate may be employed to do the duty of such spiritual person, such salary as he shall judge fit to appoint, due respect being had to the value of the benefice, donative, perpetual curacy, or parochial chapelry, and to all the other circumstances of the case: provided always, that in every such case the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence as aforesaid, shall be forthwith transmitted to the archbishop of the province to which such bishop shall belong, who shall forthwith, by himself, or by some commissioner or commissioners appointed for that purpose from among the bishops of such province, by writing under his hand, which commissioner or commissioners is and are thereupon authorized to take upon himself or themselves the execution of the said commission, examine into such case, and make such

Fee for  
licences.

Persons ag-  
grieved by  
refusal of  
licences, may  
appeal to the  
archbishop.

Security  
by party  
appealing.

In cases not  
enumerated,  
bishops may  
grant li-  
cences, and  
assign sala-  
ries to cu-  
rates em-  
ployed.

Reasons for  
granting  
them shall be  
transmitted  
to the arch-  
bishop for  
examination  
and allow-  
ance.

inquiries as to any particulars relating thereto, as such archbishop or commissioner or commissioners so appointed as aforesaid may think necessary, and after such inquiries made by himself, or where the same shall be made by such commissioner or commissioners, after a return of the substance thereof, in writing, to such archbishop, such archbishop shall thereupon allow or disallow such licence, in the whole or in part, or make any alteration therein as to the period for which the same may have been granted, or otherwise, and likewise as to the stipend assigned to the curate, as to such archbishop shall seem fit; and no such licence shall be good, valid, or effectual, under this act, for any purpose whatever, unless it shall have been so allowed and approved by such archbishop; such allowance thereof being signified by the signing thereof by such archbishop: provided always, that it shall not be necessary in such licence to specify the cause of granting the same: provided also, that no licence granted under this act shall be made void by the death or removal of the bishop or archbishop granting the same, but the same shall be and remain good and valid notwithstanding any such death or removal, unless the same shall be revoked by the next or any succeeding bishop or archbishop, as the case may require: provided also, that any spiritual person may appeal against any such revocation by the bishop alone, in like manner as is hereinbefore directed in case of any refusal of any licence: provided also, that the respective archbishops may, in their respective dioceses of which they are bishops, grant licences under the provisions and regulations in this act contained, in all cases in which any licences may be granted by any bishop under this act, either by his own authority, or with the allowance and approval of the archbishop as aforesaid: provided also, that it shall be lawful for any such archbishop to order and direct such reasonable fees and charges to be paid by any such spiritual person appealing as aforesaid, in respect of any such proceedings as aforesaid, as he shall in his discretion think fit: provided always, that in every case when any costs and charges directed by such archbishop or bishop as aforesaid, shall remain unpaid for the period of twenty-one days after demand thereof left at the usual or last place of abode of the person liable to the payment, it shall be lawful for such bishop or archbishop respectively to cause the same to be recovered by sequestration of the profits of the dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, of such spiritual person as aforesaid, and which sequestration such archbishop or bishop are respectively hereby empowered to issue.

XXI. Provided always, and be it further enacted, that it shall be lawful for any bishop or archbishop who shall have granted any licence for non-residence as aforesaid, or any successor or successors of any such bishop or archbishop, to revoke any such licence, in any case in which it may appear to him or them proper and expedient to revoke the same: provided also, that no licence for non-residence granted under this act shall continue in force for more than two years from the granting thereof.

XXII. And be it further enacted, that every such bishop or archbishop who shall grant or revoke any licence under this act, shall and he is hereby required to cause a copy of such licence or revocation to

Licences shall not be void by the death or removal of the grantor, unless revoked by the successor.

Archbishops, in their respective dioceses, may grant licences.

Fees may be ordered to be paid by appellants.

Costs may be recovered by sequestration.

Licences may be revoked.

None to be in force more than two years.

Copies of licences or revocations shall be filed

in the registry of the diocese, and a list kept for inspection; and copies of certain licences and revocations shall be transmitted to churchwardens, and publicly read at the first visitation.

be filed in the registry of the diocese within which such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, in respect whereof any such licence shall be granted or revocation made, shall be locally situate; and an alphabetical list of such licences and revocations shall be made out by the registrar of the said diocese, and entered in a book, and kept for the inspection of all persons, upon payment of the sum of two shillings, and no more; and a copy of every such licence and revocation, with respect to any benefice, donative, perpetual curacy, or parochial chapelry, shall be transmitted to the churchwardens of the parish to which the same relates, within one month after the grant of such licence or revocation thereof, to be by them deposited in the parish chest; and a copy of the same shall likewise be publicly read at the visitation of the archdeaconry of the archdeaconry within which the benefice, donative, perpetual curacy, or parochial chapelry, in respect whereof the licence shall have been granted or revocation made, shall be locally situate, immediately next succeeding the granting or revocation thereof.

A list of licences confirmed by the archbishop, or granted in his own diocese, shall be annually transmitted to his majesty in council, who may revoke licences, &c.

XXIII. Provided also, and be it further enacted, that every archbishop who shall confirm in manner directed by this act any licence or licences in any case or cases not enumerated in this act, or who shall grant any licence in his own diocese, shall annually on or before the thirty-first day of *January* in each year, transmit to his majesty in council a list of all such licences so confirmed or granted respectively as aforesaid, in the year ending on the last day of *December* preceding such thirty-first day of *January*; and shall, in every such list, specify the reasons transmitted to him by the bishops of the several dioceses, for granting the said licences, and the reasons which have induced him to confirm the same, and also the reasons which have induced him to grant any such licence as aforesaid within his own diocese; and it shall be lawful for his majesty in council, by any order made for that purpose, to revoke and annul any such licence, and if his majesty in council shall think fit so to do, the same shall be transmitted to the archbishop who shall have confirmed or granted such licence, who shall thereupon cause a copy of every such order made in relation to any licence confirmed by him as afore mentioned, to be transmitted to the bishop of the diocese in which such licence shall have been granted, who shall thereupon cause a copy of the mandatory part of the said order to be filed in the registry of such diocese, and a like copy to be delivered to the churchwardens of the parish to which the same relates, in manner hereinbefore directed as to licences under this act; and every such archbishop shall cause a copy of the mandatory part of every such order made in relation to any such licence as aforesaid granted by him in his own diocese, to be in like manner filed in the registry of his diocese, and a like copy also to be delivered to the churchwarden of the parish to which such licence shall relate, in manner before mentioned.

Between the grant and revocation of a licence, it shall be deemed valid

XXIV. Provided always, that after such licence shall have been so revoked by his majesty in council, the same shall nevertheless, in all questions that shall have arisen or may thereafter arise, touching the non-residence of the spiritual person to whom the same shall have been granted, between the period at which the same were granted or confirmed, and the time at which the same shall be so

revoked as aforesaid, be deemed and taken to be, and to have been valid and effectual to the intents and purposes of this act.

XXV. And be it further enacted, that, on or before the twenty-fifth day of *March* one thousand eight hundred and five, and at the like period in every succeeding year, a return or returns shall be made, to his majesty in council, by every such archbishop and bishop, of the names of every dignity, prebend, benefice, donative, perpetual curacy, and parochial chapelry, within their respective dioceses, or subject to their respective jurisdictions, by virtue of this act; and the names of the several persons possessing the same, who shall not have resided thereon by reason of any exemption under or by virtue of this act or any other act, or by reason of any licence granted by such archbishop or bishop respectively, for any and what cause enumerated by this act; and also of all the persons possessing the same, not having any such exemption or licence, who shall not have resided on such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, so far as the bishop is informed thereof; and for the purpose of enabling the archbishops and bishops to make such return as aforesaid, every person who shall be non-resident in any year subsequent to the first day of *January* in the year one thousand eight hundred and four, by reason of any exemption under this act or any other act, and to entitle him to which, it is not necessary to obtain any licence under this act, shall, within six weeks from and after the first day of *January* in every following year, notify the same in writing, under his hand, to the archbishop or bishop of the diocese to whose jurisdiction he is subject by this act, or otherwise, in respect of such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, specifying the nature of such exemption: provided always, that it shall be lawful for the person making such notification, to deliver, or cause to be delivered to the registrar of such diocese as aforesaid, a duplicate of such notification in writing, and which duplicate such registrar is hereby required to file and preserve in the registry of such diocese; and in all cases in which any question shall arise, whether any such person as aforesaid has made such notification as is required by this act as aforesaid, a copy of such duplicate, certified under the hand of the registrar of the diocese for the time being, together with the time of filing the same, and which certificate such registrar is hereby required to give, upon application for that purpose made by or on the behalf of the party interested, shall be deemed and taken to be evidence that the party required to make such notification as aforesaid hath made the same.

XXVI. And, to the intent to enforce such persons as aforesaid from time to time duly to make such notification as aforesaid, be it enacted, that if any person shall wilfully neglect to make such notification as aforesaid, the person so neglecting shall not be or be deemed to be entitled, from and after the expiration of such six weeks, to the benefit of such exemption as aforesaid, until he shall have made such notification in writing; and such person so wilfully neglecting to make such notification as aforesaid, notwithstanding such subsequent notification, shall not be or be deemed to be entitled to such exemption in respect of any non-residence which shall have

On or before March 25, 1805, and so annually, a return shall be made to his majesty in council of every benefice, &c. and of the persons who shall not have resided thereon; and every non-resident after Jan. 1, 1804, by exemption, without licence, shall yearly notify the nature of it to the diocesan.

A duplicate of such notification may be delivered to the registrar to be filed, and his certificate shall be evidence of its being made.

Persons neglecting to make notification, shall not be entitled to exemption.

taken place between the expiration of such six weeks, and the time of making such subsequent notification; and in all cases in which any question shall arise, whether such neglect was wilful, the same shall be taken to have been wilful, unless the contrary is proved by the person claiming such exemption.

Licence may be pleaded in bar of action; and in case of nonsuit, &c. the defendant shall have costs.

XXVII. And be it further enacted, that it shall be lawful for any spiritual person to whom any such licence for non-residence shall have been granted, and against whom any action shall thereafter be brought for any penalty or forfeiture under this or any other act, by reason of any non-residence, or any matter or thing relating whereto any licence under this act has been granted, to plead such licence in bar of any such action; and if the plaintiff in such suit or action shall be nonsuit, or shall discontinue any such suit or action after any plea of licence shall have been pleaded thereto under this act, then and in such case the defendant in such suit or action shall have full costs of suit; and if in any such suit or action a verdict shall be given for the defendant, the defendant shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.

By whom licences may be granted, while a see is vacant, or the prelate absent, &c.

XXVIII. Provided always, and be it further enacted, that during the vacancy of any see, the power of granting licences under this act, subject to the regulations therein contained, shall be exercised by the vicar general of the diocese; and that during the absence of any prelate out of the realm, or such infirmity as disables him from exercising in person the functions of his office, it shall be exercised by such person or persons as is or are lawfully empowered to exercise his general jurisdiction in the diocese.

Act shall not exempt from censure for non-residence without licence; but no censure for non-residence not exceeding three months in one year, shall be put in force, nor any proceedings be admitted except at the suit of the bishop or archdeacon.

XXIX. And be it further enacted, that nothing in this act contained shall extend, or be construed to extend to exempt any person or persons from any canonical or ecclesiastical censures, or affect any proceedings that shall hereafter be instituted in any ecclesiastical court, in order to cause the same to be inflicted in relation to the non-residence of any spiritual person, having or holding any benefice, donative, perpetual curacy, or parochial chapelry, not being duly licensed according to the provisions of this act to be absent therefrom, nor having any other lawful cause of absence: provided always, that, from and after the passing of this act, no such censures by reason of any non-residence, not exceeding three months in any one year, shall be put in force, nor shall any proceeding be admitted in any ecclesiastical court against any such spiritual person for such non-residence not exceeding three months in any one year, at the suit or instance of any person or persons other than the archbishop, bishop, or archdeacon only of the diocese and archdeaconry within such benefice, donative, perpetual curacy, or parochial chapelry, in respect whereof such non-residence shall have taken place, shall be locally situated; any thing in any law or laws, or ecclesiastical canon or canons, to the contrary thereof notwithstanding.

If any unlicensed person does not sufficiently reside, the bishop may issue a monition to reside, &c.

XXX. And be it further enacted, that in every case in which it shall appear to any such bishop or archbishop as aforesaid, that any spiritual person having or holding any benefice, donative, perpetual curacy, or parochial chapelry, and not being licensed according to this act to be absent therefrom, nor having any other lawful cause

of absence from the same, does not sufficiently reside on the same respectively, it shall be lawful for such bishop or archbishop to issue, or cause to be issued, a monition, to such spiritual person, forthwith to proceed to and reside thereon, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof; so as that in every such case there shall be thirty days between the time of delivering such monition to such spiritual person, or leaving the same at his then usual or last place of abode, or if not there to be found, with the officiating minister, or one of the churchwardens, and also at the house of residence (if any such there be) belonging to such benefice, donative, perpetual curacy, or parochial chapelry, to which any such spiritual person shall be required by such monition to proceed and reside thereon, and the time specified in such monition for the return thereto; and every such monition shall immediately on the issuing thereof be filed in the registry, and open for inspection on the payment of two shillings, and no more; and the spiritual person to whom any such monition shall be sent under this act, shall, within the time specified for that purpose, make a return thereto; and it shall be lawful for the bishop or archbishop to whom any such return shall be made to require such return, or any facts contained therein, to be verified by the oath of such spiritual person, or others, to be taken before some surrogate or master extraordinary in chancery, which oath any such surrogate or master extraordinary in chancery is hereby authorized and required to administer, on application being made for that purpose; and in every case where no such return shall be made, or where such return shall not state such reasons as shall be deemed satisfactory by such bishop or archbishop for the non-residence of the spiritual person to whom such monition shall have been sent as aforesaid, or where the same or any of the facts contained therein shall not be so verified upon oath as aforesaid, when the same shall have been required, then and in such case it shall be lawful for such bishop or archbishop to issue an order in writing, under his hand and seal, to require such person to proceed to and reside as aforesaid, within thirty days after such order in writing, or a copy thereof, shall have been delivered or left in like manner as is hereinbefore required as to monitions; and in case of non-compliance, it shall be lawful for such bishop or archbishop to sequester the profits of such benefice, donative, perpetual curacy, or parochial chapelry of such spiritual person as aforesaid, until such order shall be complied with, or such sufficient reasons for non-residence stated and proved as aforesaid; and to direct, by any order to be made for that purpose under his hand, the application of such profits, after deducting the necessary expenses of serving the cure, either in the whole or in such proportion as he shall think fit, in the first place to the payment of such reasonable expenses as shall have been incurred in relation to such monition and sequestration, and in the next place towards the augmentation or improvement of any such parsonage, vicarage, donative, or perpetual curacy, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards the improvement of any of the glebe or demesne lands thereof; or may order and direct the same,

Returns shall be made to monitions, which may be required to be upon oath.

Where returns shall not be made, or not be satisfactory, the bishop may order residence, and if disobeyed, may sequester the profits of the benefice, and direct an application thereof.



or any portion thereof, to be paid to the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, to be applied for the purpose of such augmentation as such bishop or archbishop shall in his discretion, under all the circumstances, think fit and expedient; and it shall also be lawful for any such bishop or archbishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to any such spiritual person any part or proportion of such sequestered profits, or cause the same or any part thereof that shall have been paid or directed to be paid to such governors of queen *Anne's* bounty to be repaid to such spiritual person, which repayment the said governors are hereby authorized and required, upon an order under the hand of any such bishop or archbishop, to make out of any money then in their hands, or if no money shall then be in their hands, out of the next money that shall come to their hands, in any case in which by reason of the subsequent obedience of any such spiritual person to any such monition or order, or the stating and proving such sufficient reasons as aforesaid, such bishop or archbishop shall think the same proper: provided always, that when any such spiritual person shall think himself aggrieved by reason of any such sequestration issued by any bishop, it shall be lawful for any such spiritual person within fifteen days after the making any order for any such sequestration as aforesaid, and upon such notice thereof, to be served in like manner as the monition hereinbefore directed, to appeal to the archbishop of the province to which such bishop shall belong, who shall forthwith, either by himself or some commissioner or commissioners appointed from among the bishops of his province for that purpose under his hand and seal, make or cause to be made due inquiry into the same, and make such order therein or relating thereto, or to the profits that shall be so sequestered as aforesaid, for the return to such spiritual person of the same or any part thereof, or otherwise, as shall, under all the circumstances of the case, appear to such archbishop (after such inquiry made by himself or by his commissioner or commissioners, and in the latter case, after the substance of such inquiry shall have been returned in writing to the said archbishop) to be just and proper: provided always that the party so appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal as the archbishop or his commissioner or commissioners shall award: provided also, that no such order for any sequestration shall be put in force during such appeal as aforesaid, and until the same shall be determined.

Appeal  
against se-  
questrations  
may be made  
to the arch-  
bishop.

Appellant  
shall give  
security.

Persons who  
shall return  
to residence  
on monition,  
shall pay the  
costs.

XXXI. Provided also, and be it further enacted, that every spiritual person to whom any such monition or order in writing shall be sent as aforesaid under this act, who shall be at the time of the issuing thereof absent from residence in or upon his benefice, his donative, perpetual curacy, or parochial chapelry, contrary to the provisions of this act, but who shall, in obedience to such monition or order, forthwith return to due residence, and the profits of whose benefice, donative, perpetual curacy, or parochial chapelry, shall, by reason of such return, not be sequestered, shall nevertheless pay all costs, charges, and expenses incurred by reason of the issuing and

serving such monition or order; to be levied as any cost may be levied on any spiritual person by any archbishop or bishop, under any of the provisions of this act.

XXXII. And, to the intent effectually to enforce *bona fide* residence, according to the intent and meaning of such monitions and orders as aforesaid; be it further enacted, that if any spiritual person not licensed under this act to be absent from his benefice, donative, perpetual curacy, or parochial chapelry, nor having other lawful cause of absence from the same, who, after any such monition or order as aforesaid, requiring his residence, and before or after any such sequestration as aforesaid, shall, in obedience to such monition or order, have begun to reside upon his benefice, donative, perpetual curacy, or parochial chapelry, shall afterwards, and before the expiration of six months next after the commencement of such residence, in the judgment and without the leave of such archbishop or bishop, begin wilfully to absent himself from such benefice, donative, perpetual curacy, or parochial chapelry, it shall be lawful for such archbishop or bishop, without issuing any other monition, or making any other order, again to sequester and apply the profits of such benefice, donative, perpetual curacy, or parochial chapelry, as is before directed by this act, for the purpose of enforcing the residence of such spiritual person, according to the true intent of the original monition issued by such archbishop or bishop as aforesaid; and it shall be lawful for the archbishop or bishop so to proceed in like cases from time to time, as often as occasion may require; provided that, in each and every of such cases, such spiritual person shall be entitled to appeal against such sequestration, in such manner and upon such terms as hereinbefore is and are mentioned touching appeals respecting sequestrations; but nevertheless the same shall be in force during such appeal.

If any person returning to residence on monition, shall before six months thereafter absent himself, the bishop may, without monition, sequester the profits of the benefice.

XXXIII. And be it further enacted, that if any clerk shall continue under any sequestration made under the provisions of this act, for non-residence, for the space of three years, or shall, under the provisions of this act, incur three sequestrations in the said space of three years, not being relieved, with respect to any of such sequestrations, upon appeal, the benefice, donative, perpetual curacy, or parochial chapelry, in relation to non-residence upon which such sequestration shall have been made, shall become *ipso facto* void, and the patron or person entitled to present or nominate some clerk thereto, other than the clerk who shall have so continued under such sequestration or sequestrations, as if the same had been avoided by the natural death or resignation of the party.

If a clerk shall continue under sequestration three years, or incur three sequestrations within that period, the benefice shall become void.

XXXIV. And be it further enacted, that all contracts or agreements made after the passing of this act, for the letting of houses of residence, or the buildings, gardens, orchards, and appurtenances necessary for the convenient occupation of the same, belonging to any benefice, donative, perpetual curacy, or parochial chapelry, to which houses of residence any spiritual persons shall be required, by order of the archbishop or bishop as aforesaid, to proceed and to reside therein, a copy of which order shall, immediately on the issuing thereof, be transmitted to one of the churchwardens of the parish, and be by him forthwith served on the occupier of such house

Contracts, after passing this act, for letting houses in which any spiritual persons shall, by order of the bishop, be required to reside, shall be void;

and persons holding possession after the day appointed shall be subject to penalty;

but in cases of contracts before passing this act, not till three months after service on the occupier, &c.

No person liable to penalty for non-residence, while the tenant shall continue to occupy. If an action be brought for non-residence before issuing monition, a sum sufficient to satisfy penalty and costs shall be retained out of the profits of the benefice.

of residence, or left at the same, and which such churchwarden is hereby required to serve accordingly, shall be null and void; and any person continuing to hold any such house of residence, or any such building, garden, orchard, or premises, after the day on which the said spiritual person shall be directed by the said order to reside in such house of residence, and after service of such copy as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the archbishop or bishop in writing for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or premises, to be recovered and applied in like manner as the penalties for non-residence are directed to be recovered and applied by the provisions of this act; but in cases of such contracts or agreements made before the passing of this act, the person holding and occupying under any such contract or agreement shall not be liable to any penalty for three calendar months from the time of the service of the copy of such order of the archbishop or bishop as aforesaid upon such occupier, or at such house of residence as aforesaid, and sequestration shall not issue for disobedience to the order of the archbishop or bishop for three calendar months, to be computed from the service of the copy of the said order, at the expiration of which time it shall be lawful for the archbishop or bishop to issue sequestration; and from and after the expiration of which time the party continuing to hold any such house, building, garden, orchard, premises, or appurtenances as aforesaid, shall forfeit the sum of forty shillings for every day he shall wilfully continue without such permission in writing as aforesaid to hold the same, or any of them, to be recovered and applied in like manner as aforesaid.

XXXV. Provided always, and be it further enacted, that no spiritual person shall be liable to any penalties under this or any former act, for not residing in such house of residence during such time as such tenant shall continue to occupy such house of residence, and other buildings necessary to the occupation of the same.

XXXVI. Provided always, and be it further enacted, that where any action, suit, bill, plaint, or information, shall have been commenced or brought against any spiritual person to whom any monition shall be sent as aforesaid, before the issuing thereof, for any penalty or forfeiture incurred by reason of the non-residence of any such spiritual person before the issuing of such monition, then and in such case the bishop or archbishop sending such monition as aforesaid, shall, upon notice of such action or suit, cause to be retained the profits, or so much of the profits of the benefice, donative, perpetual curacy, or parochial chapelry, in respect whereof such action or suit shall be brought, and monition issued as aforesaid, and which may under this act be sequestered as aforesaid, as will be sufficient to satisfy any penalty or penalties for which any such action or suit shall be brought, together with such costs as the plaintiff or plaintiffs therein may be entitled to, if any, and shall, if a verdict shall be given for the plaintiff or plaintiffs in such action, and final judgment obtained therein, after deducting all the charges which shall have been occasioned by the said sequestration, to the bishop or archbishop, or any person or persons who shall have acted therein under

his authority, pay or cause to be paid to such plaintiff or plaintiffs the sum or sums of money that shall be recovered in any such action or suit, to the plaintiff or plaintiffs therein : provided always, that if at the time of filing any such monition as aforesaid no action for any such penalty or forfeiture shall have been already commenced against such spiritual person, then and in such case no such action, suit, bill, plaint, or information, shall be afterwards brought for any penalty or forfeiture incurred by reason of any non-residence of such spiritual person before the issuing of such monition, or during any proceedings that may be had under such monition ; and if any such action or suit shall be so commenced, the defendant therein may plead in bar thereof, that such a monition as aforesaid has issued in respect of the same parsonage, vicarage, donative, perpetual curacy, or parochial chapelry ; and such defendant, unless upon application to the court the same shall be dispensed with, shall upon pleading such matter file or cause to be filed an affidavit in the said court, thereby stating that, according to the belief of the defendant, the bishop or archbishop who has issued or caused such monition to be issued is proceeding or intends to proceed upon the said monition, to the intent to make the same effectual to the intents and purposes of this act, otherwise such plea shall not be good or available in the law.

If at the time of filing any monition no action shall have been commenced, none shall be afterwards brought, &c.

XXXVII. And be it further enacted, that, from and after the passing of this act, no oath shall be required of or taken by any vicar in relation to residence on his vicarage ; any law, custom, constitution, or usage to the contrary thereof notwithstanding.

No oath relating to residence shall be required of any vicar.

XXXVIII. And be it further enacted, that, from and after the passing of this act, all and every the clauses, provisions, penalties, and forfeitures in this act contained, in relation to residence, or to any other matters and things relating thereto, shall extend, and be deemed and construed to extend to all dignities, prebends, benefices, donatives, perpetual curacies, and all parochial chapelries, exempt as well as not exempt, and all peculiars, as fully and amply to all intents and purposes as if the same had been and were in this act particularly mentioned and specified ; any thing in any act or acts, law or laws, to the contrary thereof notwithstanding.

Act extended to all dignities, prebends, benefices, &c.

XXXIX. And be it further enacted, that every archbishop, bishop, and archdeacon, within the limits of whose province, diocese, or jurisdiction respectively, any dignity, benefice, donative, perpetual curacy, or parochial chapelry respectively, exempt or peculiar, shall be locally situate, shall have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this act, and for enforcing the same with regard thereto respectively, as such archbishop, bishop, and archdeacon respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop, bishop, or archdeacon ; and also that where any benefice, donative, perpetual curacy, or parochial chapelry, exempt or peculiar, shall be locally situate within the limits of more than one province, diocese, or jurisdiction, or where the same or any of them shall be locally situate between the limits of any two or more of such provinces, dioceses, or jurisdictions, or any of them, the archbishop or bishop to the cathedral church of whose province or

Archbishop, bishop, and archdeacon, within whose respective province, diocese, or jurisdiction, any benefice, &c. exempt, shall be locally situate, shall have the same powers as if such benefice were not exempt ; and where any such benefice, &c. shall be situate in more than one province, &c. or between the

limits of two, the archbishop or bishop to whose cathedral the parish church shall be nearest, shall have the like powers, &c.

diocese the parish church of the same respectively shall be nearest in local situation, shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same with regard thereto respectively, as such archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively; and the same, for all the purposes of this act, shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop; and the same shall also, for the purposes of this act, be taken to be within the archdeaconry of, and be subject to the jurisdiction of such archdeacon as hath jurisdiction as such over the parish, the parish church of which is nearest to the church of such benefice, donative, perpetual curacy, or parochial chapelry, exempt or peculiar; any thing in any act or acts, law or laws, usage or usages, or other matter or thing to the contrary notwithstanding: provided, that the peculiars belonging to any archbishopric or bishopric, though locally situated in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act, as for all other purposes of ecclesiastical jurisdiction in the laws whatsoever.

All peculiars shall be subject to the archbishop or bishop to whom they belong.

Act shall not affect his majesty's prerogative in granting dispensations, nor clerks retained in his service under 9 Ed. 2, c. 8.

No archbishop or bishop shall be liable to the penalties for non-residence.

No penalty for non-residence prior to Jan. 1, 1804;

nor for farming till April 5, 1804.

Act not to extend beyond England.

If any execution shall have been sued out between July 7, 1803, and the day after passing this act, the judge may direct the re-payment of so

XL. Provided always, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to alter or affect his majesty's royal prerogative in the granting of dispensations for non-residence upon benefices, as the same now exists by law; nor to affect any privileges of clerks retained in his majesty's service under the statute passed in the ninth year of *Edward the second*, intituled *clerks in the king's service shall be discharged of their residence but shall be corrected by their ordinary*.

XLII. And, to the intent to avoid all doubts, be it enacted, that no archbishop or bishop, having or who shall have any dignity, prebend, benefice, donative, or perpetual cure, shall, by reason of non-residence upon the same, be subject or liable to any penalties or forfeitures.

XLIII. Provided also, and be it further enacted, that no forfeiture or penalty shall be incurred under or by virtue of this statute for any act of non-residence committed prior to the first day of *January* one thousand eight hundred and four.

XLIII. Provided also, that no penalty for farming shall be incurred by any spiritual person, under this or any other statute, till the fifth day of *April* one thousand eight hundred and four.

XLIV. Provided also, that no provision in this act contained shall extend or be construed to extend beyond that part of the united kingdom of *Great Britain* and *Ireland* called *England*.

XLV. Provided also, and be it further enacted, that in case in any action, bill, plaint, or information, in which any verdict shall have been obtained prior to the passing of this act, any execution shall have been sued out at any time between the seventh day of *July* one thousand eight hundred and three, and the day after the passing of this act, it shall be lawful, after the passing of this act, for any judge of the court in which such action, bill, plaint, or information shall be depending, upon the application of the defendant, to

direct by any rule or order the plaintiff or plaintiffs who shall have levied under any such execution, to repay to the defendant so much of the penalties, forfeitures, and costs levied by such execution, as the sums so levied shall exceed the amount of what such defendant would have been liable to pay in penalty, forfeiture, and costs, or any of them, as the case might be if no execution had been sued out against such defendant, and such defendant had applied under this act to such judge to discontinue the proceedings in such action, bill, plaint, and information before execution taken out; and such judge and defendant respectively shall have full power to enforce obedience to such order or rule, in like manner as obedience to any order or rule of such court, or any judge of court, can or may be enforced.

much of penalties and costs levied as exceeds what the defendant would have been liable to under this act.

43 GEORGE 3, CAP. 108.—*An act to promote the building, repairing, or otherwise providing of churches and chapels, and of houses for the residence of ministers, and the providing of church-yards and globes.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 47.

43 GEORGE 3, CAP. 109.—*An act to rectify a mistake in an act, made in this present session of parliament, intituled an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England; and to remove a doubt respecting the title of the statute of the twenty-first year of king Henry the eighth therein mentioned.*—Whereas by an act, made in this present session of parliament, intituled *an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England;* and reciting as therein is recited, it was amongst other things enacted in the words following; that is to say, and it shall also be lawful for any spiritual person having or holding any donative, perpetual curacy, or parochial chapelry, not having any sufficient or convenient glebe or demesne lands annexed to, or in right of, or by reason of his benefice or cure or chapelry, or for any stipendiary curate, or any unbeneficed spiritual person, with the consent or approbation of the bishop of the diocese, signified in writing, to take to farm to himself, or to any person or persons to his use for a limited term of years, any farm or farms, lands, tenements, or hereditaments, that may, under all the circumstances, appear to such bishop proper to be taken, held, or occupied by any such spiritual person, for the convenience and accommodation of his household and hospitality only, without being subject or liable to any pains, penalties, or forfeitures, under the said first recited act or any other act, by reason thereof, any thing therein contained to the contrary notwithstanding: and whereas after the words "any spiritual person having or holding any," and before the word "donative" in the said provision, the word "benefice" was by mistake omitted to be there inserted: for rectifying the said mistake, may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from the day on which the said act passed, the said provision, and every matter therein contained, shall extend, and be construed to extend, to

c. 84, (s. 4.)

Provision of recited act, where the word "benefice" was by mistake omitted, extended to spiritual persons having any benefice.

every spiritual person having or holding any benefice in like manner as if the word "benefice" had been inserted after the word "any" and before the word "donative" in the said provision in the said act.

Clauses in said act shall have effect as if "benefice" had been inserted.

II. And be it further enacted, that every clause, matter, and provision contained in the said act, which has or in construction thereof can or ought to have relation to the said provision, shall be construed in such and the like manner, and shall be and be taken to be of the same effect as if the word "benefice" had been inserted as aforesaid in the said provision.

Doubt respecting the title of 21 H. 8, c. 13, (as recited in c. 84 of this session) removed.

III. And be it also enacted, that the said act, passed in the twenty-first year of the reign of king *Henry* the eighth, whereby it is among other things enacted in the words or to the effect following: "that as well every spiritual person now being promoted to any archdeaconry, deanery, or dignity, in any monastery or cathedral church or other church, conventual or collegiate, or being beneficed with any parsonage or vicarage, as all and every spiritual person and persons which hereafter shall be promoted to any of the said dignities or benefices with any parsonage or vicarage, from the feast of *Saint Michael* the archangel next coming, shall be personally resident and abiding in, at, and upon his said dignity, prebend, or benefice, or at one of them at the least; and in case that any such spiritual person at any time after the said feast keep not residence at one of his said dignities, prebends, or benefices as is aforesaid, but absent himself wilfully by the space of one month together, or by the space of two months, to be accounted at several times in any one year, and make his residence and abiding in any other places by such time, that then he shall forfeit for every such default ten pounds sterling, the one half thereof to the king our sovereign lord, and the other half of the same to the party that will sue for the same in any of the king's courts, by original writ of debt, bill, plaint, or information, in which action and suit the defendant shall not wage his law, nor have any essoin or protection allowed," shall, from the day on which the said recited act of this present session of parliament passed, be deemed and taken to all intents and purposes in the construction of the said act of the present session, to be the act of the twenty-first year of the reign of king *Henry* the eighth, intended to be recited in the said act of the said present session of parliament, and which is in such act of the present session mentioned to be intituled *spiritual persons abridged from having pluralities of livings, and from taking of farms, &c.* notwithstanding any mistake which there may be in the said act of the present session of parliament, in setting forth the title of the said act of the twenty-first year of the reign of king *Henry* the eighth, wherein and whereby it is enacted as aforesaid.

51 GEORGE 3, CAP. 115.—*An act for amending the act forty-third George third, to promote the building, repairing or otherwise providing the churches and chapels, and of houses for the residence of ministers, and the providing of church-yards and glebes.*—See Title—"CHURCH BUILDING, ENGLAND," vol. ii. p. 49.

53 GEORGE 3, CAP. 149.—*An act for the further support and maintenance of stipendiary curates.*—See Title—"CURATES, STIPENDIARY, ENGLAND," vol. ii. p. 415.

54 GEORGE 3, CAP. 6.—*An act to stay, until the twentieth day of* EXP.  
*April one thousand eight hundred and fourteen, proceedings in actions*  
*under an act passed in the forty-third year of his present majesty, to*  
*amend the laws relating to spiritual persons.*—Whereas many of the  
 provisions of an act passed in the forty-third year of the reign of his 43 G. 3, c. 84.  
 present majesty, intituled *an act to amend the laws relating to spiritual*  
*persons holding of farms; and for enforcing the residence of spiritual*  
*persons on their benefices in England,* have given occasion to many  
 vexatious prosecutions; which it is expedient to prevent the further  
 proceeding in at present; be it therefore enacted by the king's most  
 excellent majesty, by and with the advice and consent of the lords  
 spiritual and temporal, and commons, in this present parliament  
 assembled, and by the authority of the same, that, from and after  
 the passing of this act, it shall and may be lawful for the defendant  
 in any action already commenced or which shall be commenced, for  
 any penalty or forfeiture under the said recited act of the forty-third  
 year aforesaid, previous to the twentieth day of *April* one thousand  
 eight hundred and fourteen, to apply to the court in which such  
 action shall be brought, during the sitting of such court, or to any  
 judge of such court during vacation, for stay of proceedings in such  
 action; and such court, and such judge, respectively, are hereby  
 required to stay such proceedings accordingly, until the said twen-  
 tieth day of *April* one thousand eight hundred and fourteen.

Staying  
 proceedings  
 in actions  
 brought.

54 GEORGE 3, CAP. 44.—*An act to continue, until the twentieth* EXP.  
*day of May one thousand eight hundred and fourteen, an act passed in*  
*this session of parliament, intituled an act to stay, until the twentieth*  
*day of April one thousand eight hundred and fourteen, proceedings*  
*in actions under an act passed in the forty-third year of his present*  
*majesty, to amend the laws relating to spiritual persons.*—Whereas  
 an act passed in the present session of parliament, intituled *an act to* c. 5, ante.  
*stay, until the twentieth day of April one thousand eight hundred and*  
*fourteen, proceedings in actions under an act passed in the forty-third*  
*year of his present majesty, to amend the laws relating to spiritual per-*  
*sons:* and whereas it is expedient that the said act should be further  
 continued; and that all proceedings stayed under the provisions  
 thereof should remain stayed for a further limited period; be it there-  
 fore enacted by the king's most excellent majesty, by and with the  
 advice and consent of the lords spiritual and temporal, and commons,  
 in this present parliament assembled, and by the authority of the  
 same, that the said recited act shall remain and continue in force  
 until the twentieth day of *May* one thousand eight hundred and  
 fourteen, and that all proceedings which shall have been or which  
 may hereafter be stayed under the provisions of the said recited act,  
 which are continued by this act, shall be and remain and continue  
 stayed until the said twentieth day of *May* one thousand eight hun-  
 dred and fourteen.

continued.

II. And be it further enacted, that this act may be varied, altered,  
 amended or repealed, by any act or acts to be passed in the present  
 session of parliament.

Act varied,  
 &c.

54 GEORGE 3, CAP. 54.—*An act to discontinue proceedings in*  
*certain actions already commenced, and to prevent vexatious suits against*  
*spiritual persons, under an act passed in the forty-third year of his*



*present majesty; and further to continue, until the twentieth day of July one thousand eight hundred and fourteen, an act of the present session of parliament, for staying proceedings under the said act.—*

- 43 G. 3, c. 84. Whereas some of the provisions of an act, passed in the forty-third year of the reign of his present majesty, intituled *an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England*, have, from the inadvertence of many spiritual persons, given occasion to many vexatious prosecutions: and whereas an act was passed in the present session of parliament, intituled *an act to stay, until the twentieth day of April one thousand eight hundred and fourteen, proceedings in actions under an act passed in the forty-third year of his present majesty, to amend the laws relating to spiritual persons*: and whereas another act was passed in the present session of parliament, intituled *an act to continue, until the twentieth day of May one thousand eight hundred and fourteen, an act passed in this session of parliament, intituled an act to stay, until the twentieth day of April one thousand eight hundred and fourteen, proceedings in actions under an act passed in the forty-third year of his present majesty, to amend the laws relating to spiritual persons*: and whereas it is expedient that further provision should be made in relation to proceedings already commenced, and for the prevention of other vexatious prosecutions of spiritual persons; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all licences for the non-residence of any spiritual persons, which shall have been granted, or which shall be granted on or before the first day of *July* one thousand eight hundred and fourteen, by any archbishop or bishop, under and subject to the provisions of the said recited act of the forty-third year aforesaid, and upon which the archbishop or bishop granting the same shall certify, that they are satisfied and verily believe, that the causes of granting such licences really and truly have existed for many periods antecedent to the granting thereof, and specified in such certificates respectively, and that the archbishop or bishop giving such certificates, would have granted the licences to which they refer, from the periods specified in such certificates, if proper application had or could have been made to him in due time for the same, and that the conditions, if any, upon which such licences would have been granted have been performed and complied with; and also all certificates given by any archbishop or bishop to any spiritual persons of their respective dioceses, which shall certify that the archbishop or bishop giving such certificate would have granted licences for the non-residence of such spiritual persons for and during the periods specified in such certificates, for causes of a temporary nature, to be also specified in such certificates, and which they are satisfied and verily believe did really and truly exist, and which may have ceased, if proper application had or could have been made to him in due time for the same, and that the conditions, if any, upon which such licences would have been granted, have been performed and complied with; shall be deemed and taken to be good and valid as licences under the said recited act, for the purpose of exempting

Licences granted with certificate, stating that causes for granting them existed at any specified antecedent period, valid, as exempting from penalties from such antecedent period.

such persons respectively from any pecuniary penalties and forfeitures for non-residence, from and for and during the periods specified in such certificates respectively, as fully and effectually as if licences had been duly granted at and for such period, and had been duly registered, and all the provisions of the said first recited act in relation thereto duly observed.

II. Provided always, and be it further enacted, that every such licence and certificate shall, within fourteen days after the granting thereof, or after the passing of this act, be registered in like manner as licences are required to be registered under the provisions of the said recited act of the forty-third year aforesaid, and shall be open to the inspection of all persons, upon payment of two shillings, and no more.

Licences and certificate registered. 43 G. 3, c. 84, s. 22.

III. And be it further enacted, that every notification by any person who shall have been non-resident by reason of any exemption, and where no licence is required, and which shall specify the nature of the exemption, and the period for which the benefit thereof is claimed, and which shall have been made and registered, or which shall be made and registered before the said first day of *July*, shall be deemed a good and valid notification for the period specified, for the purpose of entitling the person making the same to the benefit of any exemption specified therein to which he may be entitled, as fully and effectually as if the same had been made and registered within the period required by the said recited act of the forty-third year aforesaid; any thing therein contained to the contrary notwithstanding; and every registrar is hereby required to register such notification, and such register of notification shall be open to inspection of all persons, upon payment of two shillings, and no more.

Notification by non-residents, made and registered before 1st July, deemed good and valid, for purposes intended.

IV. And be it further enacted, that, immediately from and after the passing of this act, it shall be lawful for any person or persons against whom any original writ, suit, action, bill, plaint or information, shall have been sued out, commenced or prosecuted, before the sixth day of *December* one thousand eight hundred and thirteen, for any pecuniary penalty or penalties, or any forfeiture or forfeitures incurred under the said recited act, for any non-residence, or omission to procure a licence, or register the same, or for omitting to notify any ground of exemption, and to whom any such licence and certificate shall have been granted, or who shall have notified his exemption before the first day of *July* one thousand eight hundred and fourteen, to apply to the court in which such original writ, suit, action, bill, plaint or information shall have been sued out, commenced or prosecuted, if such court shall be sitting, or to any judge of any such court when not sitting, for an order, that such writ, suit, action, bill, plaint or information shall be discontinued, upon payment of the costs incurred up to the time of such application being made; all such costs to be taxed as between attorney and client, according to the practice of such court; and every such court or judge is hereby authorized, upon such application, and proof by affidavit of the granting and registering of any licence and certificate, or of the notification of any exemption, and that sufficient notice thereof, together with a copy of the licence, certificate or notification, as the case may be, has been given to the plaintiff or plaintiffs, or

Fee.

Persons sued under recited act may apply to court, if sitting, or to a judge, if not sitting, to stay proceedings upon certain conditions.

Costs taxed.

Notice.

his or their attorney, and of the application and the ground upon which the same is made, to make such order as aforesaid; and upon the making such order and payment of such costs as aforesaid, such writ, suit, action, bill, plaint or information shall be forthwith discontinued; and in every case it shall be lawful for the plaintiff or plaintiffs in any such original writ, suit, action, bill, plaint or information, at any time after the twentieth day of *July* one thousand eight hundred and fourteen, until such application shall be made as aforesaid, to proceed therein as if this act or the said recited acts of the present session of parliament had not been passed, and as if no such licence and certificate had been granted, or notification made; any thing in this act to the contrary thereof notwithstanding.

Facts stated  
in certifi-  
cates verified  
on oath.

V. And be it further enacted, that it shall be lawful for any archbishop or bishop to whom any application shall be made for any such certificate as aforesaid, under the provision of this act, to require that any facts or circumstances which such archbishop or bishop may deem necessary to be proved in relation to the grounds upon which any such certificate may be applied for, or which any such archbishop or bishop may deem necessary to inquire into and ascertain before the granting any such certificate, shall be proved and verified by oath or affidavit made before any surrogate or master extraordinary in chancery, (which oath any surrogate or master extraordinary in chancery is hereby authorized and required to administer.)

When ac-  
tions dis-  
continued  
on payment  
of costs.

VI. Provided always, and be it further enacted, that in all cases in which any such writ, suit, action, bill, plaint or information sued out or commenced before the sixth day of *December* one thousand eight hundred and thirteen, shall have been or shall be renewed or continued before the said twentieth day of *July* one thousand eight hundred and fourteen, or upon which any declaration shall have been filed or delivered, or other proceeding had after the sixth day of *December* and before the said twentieth day of *July* one thousand eight hundred and fourteen, it shall be lawful for such court or judge, upon such application and proof as aforesaid, to make such order as aforesaid, for discontinuing the same, upon payment of the costs of all proceedings had before the said sixth day of *December* to be taxed as aforesaid, and of such costs, if any, in respect of any proceedings had after the said sixth day of *December*, as the court or judge making such order shall direct; and upon making such order and payment of such costs, such writ, suit, action, bill, plaint or information, shall be forthwith discontinued.

Court may  
make order  
for discon-  
tinuing ac-  
tions with-  
out payment  
of costs.

VII. Provided always, and be it further enacted, that in all cases in which any such writ, suit, action, bill, plaint or information shall have been sued out or commenced at any time subsequent to the said sixth day of *December* one thousand eight hundred and thirteen, it shall be competent for such court or judge as aforesaid, to make such order as aforesaid for discontinuing the same, without payment of any costs; and upon making such order, such writ, suit, action, bill, plaint or information shall be forthwith discontinued.

In what cases  
plaintiff per-  
mitted to  
proceed in  
actions.

VIII. Provided always, and be it further enacted, that if upon any such application to the court or judge to stay the proceedings under the provisions hereinbefore contained, the plaintiff or plaintiffs,

or his or their attorney, will undertake to admit such notification of exemption to have been duly made and given under the said recited act of the forty-third year aforesaid, or under this act, and dispute only the title of such person or persons to the exemption claimed, that then and in such case it shall and may be lawful to and for the plaintiff or plaintiffs in such original writ, suit, action, bill, plaint or information, to proceed therein as if this act had not been made; any thing herein contained to the contrary notwithstanding; and if the said plaintiff or plaintiffs shall suffer judgment as in case of a nonsuit, or if upon the trial of any such action, suit, bill, plaint or information, the said plaintiff or plaintiffs shall become nonsuit, or there shall be a verdict for the defendant, the defendant shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law. Treble costs.

IX. Provided always, and be it further enacted, that no penalty or forfeiture under the said recited act of the forty-third year aforesaid, which shall have arisen or been incurred, at or for or during any period antecedent to the thirty-first day of *December* one thousand eight hundred and eleven, shall be recoverable or recovered in any action or suit which has been commenced previous to the sixth day of *December* one thousand eight hundred and thirteen; and that no penalty or forfeiture under the said recited act of the forty-third year aforesaid, which shall have arisen or been incurred at or for or during any period antecedent to the thirty-first day of *December* one thousand eight hundred and twelve, shall be recoverable or be recovered in any action or suit which shall have been or shall be sued out after the sixth day of *December* one thousand eight hundred and thirteen; any thing in the said act contained to the contrary notwithstanding.

No penalties for periods antecedent to Dec. 31, 1811, recoverable in action previous to Dec. 6, 1813.

X. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to affect any original writ, suit, action, bill, plaint or information which shall have been sued out, commenced or prosecuted before the first day of *January* one thousand eight hundred and twelve, and whereon issue has been joined between the plaintiff or plaintiffs and the person or persons against whom the said original writ, suit, action, bill, plaint or information may have been sued out, commenced or prosecuted.

Proviso for actions commenced before Jan. 1, 1812.

XI. Provided always, and be it further enacted, that a certified copy of the register of such licence and certificate, and of the date when the same was issued, or of such notification, with the date of delivery thereof, shall be deemed sufficient proof of the same.

Certified copies of licences, &c. sufficient proof.

XII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend, to affect any verdict, judgment or execution, which has been or at any time hereafter may be given, awarded or issued against any spiritual person under the act made and passed in the forty-third year of the reign of his present majesty, intituled *an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England.*

Proviso for verdicts, &c. given under 43 G. 3, c. 84.

XIII. And whereas an act was passed in this present session of parliament, intituled *an act to continue, until the twentieth day of May one thousand eight hundred and fourteen, an act passed in this session*

c. 44, ante.

*of parliament, intituled 'an act to stay, until the twentieth day of April one thousand eight hundred and fourteen, proceedings in actions under an act passed in the forty-third year of his present majesty, to amend the laws relating to spiritual persons:'* and whereas it is expedient that the said act should be further continued, and that all such proceedings should be stayed for a further limited period; be it therefore further enacted, that the said recited act of this present session of parliament shall remain and continue in force until the twentieth day of July; and that all proceedings which shall have been or which may hereafter be stayed under the provisions of the said first recited act, or of an act of this present session of parliament, intituled *an act to stay, until the twentieth day of April one thousand eight hundred and fourteen, proceedings in actions under an act passed in the forty-third year of his present majesty, to amend the laws relating to spiritual persons*, which are continued by this act, or which remain and continue stayed under the provisions of the last recited act of this session of parliament, shall be and remain and continue stayed until the said twentieth day of July one thousand eight hundred and fourteen.

54 GEORGE 3, CAP. 175.—*An act to explain and amend several acts relating to spiritual persons holding of farms; and for enforcing the residence of such persons on their benefices, in England, for one year, and from thence until six weeks after the meeting of the then next session of parliament.*—Whereas an act was passed in the forty-third year of the reign of his present majesty, intituled *an act to amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices in England*: and whereas certain of the provisions of the said act have been found inconvenient; and it is expedient that the said act be amended, and that further provision be made for the better carrying into execution the purposes thereof: and whereas it is also expedient to amend certain provisions contained in an act, passed in the twenty-first year of the reign of king Henry the eighth, intituled *spiritual persons abridged from taking pluralities of livings and from taking of farms*; and also in an act passed in the last session, intituled *an act for the further support and maintenance of stipendiary curates*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that no action of debt, bill, plaint or information, against any spiritual person, for the recovery of any penalties or forfeitures under or by virtue of the said first recited act, shall be commenced or filed in any of his majesty's courts of record at *Westminster*, or the court of great sessions in *Wales*, until the first day of *May* after the expiration of the year in which any alleged offence against the said act shall have taken place.

II. And whereas it is expedient that the archbishops and bishops of their respective dioceses should be further empowered to punish past non-residence, as well as to compel residence in future; be it enacted, that in all cases in which any spiritual person shall have become subject to any penalty or forfeiture for any non-residence, it shall be lawful for the archbishop or bishop within whose diocese

such penalty or forfeiture shall have arisen, to proceed against such spiritual person for such past non-residence; and to levy the penalties incurred thereby under the said first recited act as amended by this act, by monition and sequestration, and to direct the application thereof in like manner, and subject to the same regulations, and with like powers of remitting or ordering the repayment of any part of such penalties, as is directed or allowed in the said act, in cases of non-compliance with any order for residence.

III. And be it further enacted, that every archbishop or bishop may levy any costs, charges or penalties by this act imposed upon any spiritual person, subject to his jurisdiction or locally situate therein, who shall under the provisions of the said first recited act or this act become liable thereto, in the same manner as any costs may be levied upon any spiritual person by any archbishop or bishop under the provisions of the said act, and may order the application of such penalties in such manner as is by the said act directed concerning any money levied by sequestration.

Archbishops, &c. may levy penalties and costs by sequestration.

IV. And be it also enacted, that every penalty under the first recited act, or this act, in respect of which no proceeding shall have been had by monition for the recovery thereof, before the first day of May after the same shall have been incurred, may be recovered and applied by action or suit, in like manner as the penalties for non-residence are directed to be recovered and applied by any action or suit under the said first recited act and this act.

Penalties not levied by bishop, recovered by action.

V. Provided always, and be it further enacted, that it shall be lawful for any spiritual person to appeal against any proceedings had under the provisions of this act, in the same manner as is directed in relation to any appeal under the said first recited act.

Proviso for appeal under 43 G. 3, c. 84, s. 19.

VI. Provided always, and be it further enacted, that in every case in which any archbishop or bishop shall think proper, under all the circumstances thereof, after proceeding by monition for the recovery of any penalty under the said first recited act or under this act, to remit the whole or any part of the said penalty, such archbishop shall forthwith transmit to his majesty in council, and such bishop shall transmit to the archbishop of the province to which he belongs, a list of such cases as have occurred in his or their respective dioceses, specifying the nature and special circumstances of each case, and the reasons for the said remission, in the same manner as is directed in relation to the licences for non-residence granted in non-enumerated cases, under the said first recited act; and it shall thereupon be lawful for his majesty in council, or for the said archbishop, as the case may be, to allow or disallow such remission in whole or in part, in the same manner as the allowance or disallowance of the said licences for non-residence is provided for by the said act; the decision of the said archbishop, with respect to cases transmitted to him from any such bishop, to be final.

Penalties remitted.

Decision of archbishop final.

VII. And whereas doubts have been entertained, whether penalties and forfeitures imposed by the said first recited act might not be recovered for more than one year; be it declared and enacted, that no penalties or forfeitures shall be recovered by any proceeding or action, other and further than those to which such spiritual persons may be liable under the provisions of the said act, for any offence

When penalties recoverable.

alleged to have been committed against the provisions of the said act or this act during the year ending on the thirty-first day of *December* immediately preceding the commencement of such proceeding or action.

Year for purposes of act when to commence, &c.

Licences, except for temporary causes, granted accordingly.

VIII. And be it further enacted, that, for all the purposes of the said first recited act and of this act, the year shall be deemed to commence on the first day of *January*, and be reckoned therefrom to the thirty-first day of *December*, both inclusive; and all licences granted under the said act, other than such as shall be granted for periods less than a year, on account of illness or other temporary cause, shall be granted to commence and terminate at such respective periods as aforesaid, for the year or years for which they shall be granted; save and except such as it may be necessary to grant for the remainder of any year after the expiration of any licence now subsisting.

Months how computed.

IX. And be it further enacted, that, for all the purposes of the said first recited act and of this act, the months therein named shall be taken to be calendar months; except in any case in which any month or months are to be made up of different periods less than a month; and in every such case thirty days shall be deemed a month.

43 G. 3, c. 84, s. 20, 26, in part repealed

X. And be it further enacted, that so much of the said first recited act as enacts, that any person neglecting to notify any reason of any exemption from residence, for which it is not necessary to obtain a licence, shall not be deemed to be entitled to the benefit of such exemption, shall be and the same is hereby repealed; and, from and after the passing of this act, every spiritual person having lawful cause of exemption from residence under the said act, or any other act, and being non-resident, who shall neglect to make such notification thereof, as in the said act is directed, shall forfeit and pay for every such offence the sum of twenty pounds, to be levied by sequestration, if not otherwise paid after monition to pay the same, of the profits of the benefice, donative, perpetual curacy or parochial chapelry, for which he shall claim exemption from residence, by the archbishop or bishop of the diocese to whom the notification ought to be made, to be applied as he may direct, to useful and charitable purposes, with the like power of remitting or ordering the repayment of any part of such penalties, as is directed or allowed in the said act, in cases of non-compliance with an order for residence.

Cause of exemption neglected to be notified.

Penalty.

53 G. 3, c. 149, s. 1, in part repealed.

XI. And be it further enacted, that so much of an act passed in the last session of parliament, intituled *an act for the further support and maintenance of stipendiary curates*, as enacts, that every incumbent of or person holding any benefice, donative, perpetual curacy or parochial chapelry, who does not nor shall not duly reside thereon (except as therein excepted), and who shall, for the period of three months after the death or resignation of any curate who has served his church or chapel, neglect to notify to the bishop of the diocese such death or resignation, shall forfeit and lose all the benefit of any dispensation or exemption from residence, or licence for non-residence, and be subject and liable to such and the like penalties for non-residence, as if he had no such dispensation, exemption from residence or licence for non-residence, shall be and the same is

hereby repealed; and, from and after the passing of this act, every such person shall, for such neglect, forfeit and pay the sum of twenty pounds, to be levied, applied and remitted, in like manner as is hereinbefore provided with respect to the neglect of notifying exemptions from residence. Penalty.

XII. And be it further enacted, that every spiritual person having any benefice, donative, perpetual curacy or parochial chapelry, and who shall not have, nor during any part of his incumbency have had any house of residence thereon, and who shall have resided nine months in the year within the limits of his benefice, donative, perpetual curacy or parochial chapelry, shall not be liable to any penalties on account of non-residence, nor be obliged to take out any licence therefore; but that the same shall be deemed a legal residence to all the intents and purposes of the said first recited act and this act; and in all returns made by the bishops, persons so residing shall be returned as resident. In case no house of residence, what deemed a residency.

XIII. And whereas the governors of queen Anne's bounty have in some instances purchased, or may hereafter purchase houses not situate within the parishes for which they are purchased, but so contiguous as to be equally convenient and suitable for the residence of the officiating ministers thereof: be it enacted, that such houses, having been previously approved by the archbishop or bishop, by writing under his hand, shall be deemed parsonage houses appertaining to such livings, to all intents and purposes whatsoever. Houses purchased by governors of queen Anne's bounty deemed residences.

XIV. And be it further enacted, that in all cases of sinecure rectories having vicarages endowed, the residence of the vicar in the rectory house shall be deemed a sufficient legal residence, to all intents and purposes whatever. Sinecure rectories.

XV. And be it further enacted, that this act shall continue and be in force for one year, and from thence until six weeks after the meeting of the then next session of parliament. Continuance of act.

55 GEORGE 3, CAP. 147.—*An act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices, for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands, so taken in exchange, to such benefices as parsonage or glebe houses and glebe lands, and for purchasing and annexing lands to become glebe in certain cases; and for other purposes.*—See Title—"EXCHANGE OF GLEBE HOUSES AND LANDS," vol. iii. p. 69.

56 GEORGE 3, CAP. 6.—*An act to continue, until the fifth day of July one thousand eight hundred and sixteen, an act of the fifty-fourth year of his present majesty, for explaining and amending several acts relating to spiritual persons holding of farms, and for enforcing the residence of such persons on their benefices, in England.*—Whereas an act passed in the fifty-fourth year of the reign of his present majesty, 54 G.3, c. 175, intituled *an act to explain and amend several acts relating to spiritual persons holding of farms, and for enforcing the residence of such persons on their benefices, in England, for one year, and from thence until six weeks after the meeting of the then next session of parliament*, is near expiring: and whereas it is expedient that the said act should be continued; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual



continued.

and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said act shall be and the same is hereby continued until the fifth day of *July* one thousand eight hundred and sixteen.

56 GEORGE 3, CAP. 52.—*An act to amend and render more effectual an act passed in the last session of parliament, for enabling spiritual persons to exchange their parsonage houses or glebe lands, and for other purposes therein mentioned.*—See Title—"EXCHANGE OF GLEBE HOUSES AND LANDS," vol. iii. p. 81.

56 GEORGE 3, CAP. 123.—*An act to continue, until the fifth day of April one thousand eight hundred and seventeen, an act of the fifty-fourth year of his present majesty, for explaining and amending several acts relating to spiritual persons holding of farms, and for enforcing the residence of such persons on their benefices, in England.*—Whereas an act passed in the fifty-fourth year of the reign of his present majesty, intituled *an act to explain and amend several acts relating to spiritual persons holding of farms, and for enforcing the residence of such persons on their benefices, in England, for one year, and from thence until six weeks after the meeting of the then next session of parliament*: and whereas the said act was continued by an act of this session of parliament, until the fifth day of *July* one thousand eight hundred and sixteen: and whereas it is expedient that the said act should be further continued; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the said act shall be and the same is hereby further continued until the fifth day of *April* one thousand eight hundred and seventeen.

further continued.

57 GEORGE 3, CAP. 99.—*An act to consolidate and amend the laws relating to spiritual persons holding of farms; and for enforcing the residence of spiritual persons on their benefices; and for the support and maintenance of stipendiary curates in England.*—See Title—"CURATES, STIPENDIARY, ENGLAND," vol. ii. p. 424.

5 GEORGE 4, CAP. 89.—*An act for the relief, in certain cases, of the incumbents of ecclesiastical livings or benefices mortgaged for building, rebuilding, repairing or purchasing houses and other necessary buildings and tenements for such benefices.*—Whereas under and by virtue of an act of parliament made in the seventeenth year of the reign of his majesty king *George* the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses and other necessary buildings and tenements for the use of their benefices*; and another act made in the twenty-first year of his said majesty's reign, to explain and amend the said act; many mortgages of ecclesiastical livings and benefices have been made, and are still remaining in force, as securities for monies borrowed for building, rebuilding, repairing or purchasing houses and other necessary buildings and tenements for such benefices; and in most cases the sums of money borrowed on such mortgages have been to the full amount authorized by the said acts, that is to say, two years' net income and produce of the said respective livings or benefices, estimated at or previous to the execution of such several mortgages

17 G. 3, c. 53.

21 G. 3, c. 66.

in the manner by the said acts directed; and the incumbents of the said respective livings or benefices are liable, according to the directions of the said acts, to pay five pounds *per centum per annum* of the principal monies so borrowed; or in case such incumbents shall not reside twenty weeks in each year upon such livings or benefices, then instead of five pounds *per cent.* to pay ten pounds *per cent. per annum* of the said principal monies, over and above the interest arising upon such mortgages, until the whole principal monies and interest shall be fully paid and discharged: and whereas great reduction has taken place in the income and produce of many livings or benefices mortgaged by virtue of the said acts since the respective mortgages thereof were made, whereby it happens that the yearly payments in discharge of the monies borrowed on such mortgages, which the incumbents of the said livings or benefices are liable to pay, amount to a larger proportion of the present income and produce thereof than it was contemplated or intended that they should be liable to pay according to the directions of the said acts; and it is just and expedient that such provision be made for the relief of incumbents of livings or benefices already mortgaged by virtue of the said acts as hereinafter is expressed: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the incumbent of every living or benefice mortgaged before the passing of this act, under or by virtue of the said former acts, for the amount of two years' net income and produce thereof, to lay before the ordinary of such living or benefice a just and particular account in writing, signed by such incumbent, and verified upon his oath, taken before some justice of the peace or master in chancery, ordinary or extraordinary, (which oath every justice of the peace and every master in chancery is hereby empowered to administer), of the income or produce of such living or benefice at the time of stating such account thereof, and of all rents, stipends, taxes and other outgoings therefrom, excepting only the salary to the assistant curate, where such a curate is necessary; and it shall and may be lawful for the ordinary thereupon to cause an inquiry to be made by the archdeacon, chancellor of the diocese, or other proper persons resident within or near the limits of such living or benefice, of the truth of the said account, and the result of the said inquiry to be certified by such archdeacon, chancellor or other persons; and the incumbent of such living or benefice, and the mortgagee or mortgagees thereof, may and they are hereby empowered, with the consent of the ordinary and patron of such living or benefice, to agree that the yearly payments in discharge of the principal money secured by the mortgage of such living or benefice, and to become due after such agreement, shall be made at the rate of five pounds *per cent.\** or ten pounds *per centum per annum*, as the case may require, according to the directions of the said former acts and this act, of the sum which two years' net income and produce of the said living or benefice shall appear to amount unto according to the account thereof laid before and the certificate returned to the ordinary as herein men-

Incumbents of mortgaged livings for amount of two years' income may lay before ordinary account of value of such livings,

inquiry to be made of truth thereof.

Mortgagees empowered to agree to make yearly payments in discharge of mortgage at five per cent. or ten per cent., according to directions of recited acts.  
\* Sic.

tioned; and every such agreement shall be valid and effectual; and the mortgage made of every such living or benefice shall be and remain in force as a security for the yearly payments thereby agreed to be made, as well as for payment of the interest arising on such mortgage, and with all the powers and remedies for enforcing the same given by the said former acts, until the money borrowed and all interest for the same, and also all costs and charges which shall be occasioned by the non-payment thereof, shall be fully paid and discharged, in like manner as if such yearly payments had been expressly mentioned in and secured by the said mortgage, the expiration of the term of years granted by the said mortgage or any other cause or matter whatsoever notwithstanding.

Agreements  
to be in form  
prescribed  
by schedule.

II. And be it further enacted, that every agreement which shall be entered into by virtue of this act shall be in writing, in the form in the schedule to this act set forth, or to that effect, under the hands of the ordinary, patron, incumbent and mortgagee or mortgagees of the living or benefice to which the same shall relate, or the common seal of such of them as shall be a body corporate aggregate; and in case the patronage of any such living or benefice shall be in the crown, or the patron of any such living or benefice shall happen to be a minor, idiot, lunatic or feme covert, such agreement shall be signed by such persons as by the said former acts are empowered in the like case to consent to the proceedings thereby authorized; and in case any such agreement shall relate to any chapelry or perpetual cure, the incumbent whereof shall be nominated by the rector or vicar of the parish, in every such case such rector or vicar shall be required to be a party to the agreement so to be made, together with the patron of the rectory or vicarage.

Governors of  
queen Anne's  
bounty may  
enter into  
agreements  
with respect  
to mortgages  
as to col-  
leges and  
halls of the  
universities,  
&c.

III. And be it further enacted, that it shall and may be lawful for the governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, to make and enter into such agreements as hereinbefore are authorized, with respect to all or any of the mortgages made to the said governors by virtue of the said former acts, if it shall appear to the said governors to be fit and proper so to do; and it shall and may also be lawful for all colleges and halls within the universities of *Oxford* and *Cambridge*, and for all other corporate bodies possessed of the patronage of any ecclesiastical livings or benefices, to make and enter into such agreements as hereinbefore are authorized with respect to all or any of the mortgages made to them respectively, for any sums of money advanced under the powers of the said former acts, if it shall appear to them respectively fit and proper so to do.

Agreements  
to be regis-  
tered.

IV. And be it further enacted, that a copy of every agreement made by virtue of this act shall be registered in the office of the registrar of the bishop, or other ordinary of the living or benefice to which such agreement shall relate, after having being first examined by him; and such registrar shall register such copy, and make and sign a certificate on the original agreement, that a copy thereof is so registered, and shall be entitled to demand and receive the sum of five shillings and no more for such register; and every such copy shall be inspected upon all necessary occasions, the person who requires such inspection paying to the said registrar the sum of

Fee to regis-  
trar.

one shilling for the same; and the registered copy of such agreement, or a copy thereof certified under the hand of the registrar to be correct, shall be allowed as legal evidence in case any such agreement shall happen to be lost or destroyed.

Copy evidence.

V. And be it further enacted, that no affidavit, certificate, agreement, instrument or proceeding made, had or done, under the authority or directions of this act, shall be charged or chargeable with any stamp duty.

No stamp duty.

VI. And be it further enacted, that in case any incumbent of any living or benefice mortgaged or to be mortgaged by virtue of the said former acts, who shall not reside twenty weeks in any year upon such living or benefice, shall have been non-resident in the same year by licence of the bishop of the diocese within which such living or benefice shall be locally situate, granted by reason or on account of any actual illness or infirmity of mind or body of such incumbent, or of his wife or child, making part of and residing with him as part of his family, such incumbent shall for every year in which he shall be non-resident by such licence, pay to the mortgagee or mortgagees of his living or benefice the like sum as he would have been liable to pay by virtue of the said former acts, or any agreement made under the powers of this act, in case he had resided twenty weeks in the same year upon his said living or benefice, and no other or greater sum; provided that every such incumbent at the time of making such payment, or some person on his behalf, shall deliver to the mortgagee or mortgagees a certificate under the hand of such bishop, that such incumbent was non-resident, in the year for which such payment shall be made, by the licence of the said bishop, granted for some or one of the causes hereinbefore mentioned, to be specified in the said certificate.

Non-residents by licence liable to pay mortgagees in manner herein mentioned.

VII. And be it further enacted, that it shall and may be lawful to and for the said governors of the bounty of queen Anne, for the augmentation of the maintenance of the poor clergy, at any time or times after the passing of this act, to reduce the rate of the interest secured to them by any mortgage or mortgages heretofore made to them under the authority of the said former acts, and thereafter to become due to such rate or rates as to them shall appear just and reasonable.

Governors of queen Anne's bounty may reduce rate of interest of mortgages.

### The Schedule to which the Act refers.

#### *Form of agreement.*

WHEREAS in the year the rev. A. B. clerk, rector [vicar or curate] of the parish church [or curacy or chapelry] of in the county of and the diocese of the bishop of and under the jurisdiction of the said bishop, [or such other ecclesiastical person or corporation as shall be ordinary], as ordinary, by virtue and pursuant to the directions of an act of parliament passed in the seventeenth year of the reign of his majesty king George the third, intituled an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses and other necessary buildings and tenements for the



corporate aggregate, then by the said ordinary (or patron) signing, and the said patrons (or ordinary) causing their common seal to be affixed to this agreement]; and by virtue of the powers of the said last mentioned act of parliament, that the yearly payments in discharge of the said sum of                      pounds remaining due on the said mortgage as aforesaid, shall be made at the rate of five pounds *per cent.* or ten pounds *per cent.* as the case may require, according to the directions of the said several acts of parliament, of the said sum of                      pounds, the amount of two years' net income and produce of the said living, according to the late account and certificate hereinbefore mentioned; and the said mortgage of the said living is, pursuant to and by virtue of the said last mentioned act, to be and remain in force as a security for the yearly payments hereby agreed to be made, as well as for payment of the interest arising on the said mortgage, and with all the powers and remedies for enforcing the same given by the said first mentioned act, until the money borrowed on the said mortgage, and all interest for the same, and also all costs and charges which shall be occasioned by the non-payment thereof, shall be fully paid and discharged. Dated the                      day of                      in the year one thousand eight hundred

7 GEORGE 4, CAP. 66.—*An act to render more effectual the several acts now in force to promote the residence of the parochial clergy, by making provision for purchasing houses and other necessary buildings for the use of their benefices.*—Whereas in and by an act of parliament passed in the seventeenth year of the reign of his majesty 17 G. 3, c. 53. king George the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing or purchasing houses and other necessary buildings and tenements for the use of their benefices*, it was enacted, Sec. 10. that where new buildings were necessary to be provided or erected for the habitation and residence of the rector, vicar or other incumbent of any ecclesiastical living, parochial benefice, chapelry or perpetual curacy, pursuant to the authority thereby given, it should be lawful for the ordinary, patron and incumbent of every such living or benefice to contract, or to authorize, if they should think fit, the person to be nominated under the provision of the said act to contract, for the absolute purchase of any house or buildings in a situation convenient for the habitation and residence of the rector, vicar or other incumbent of such living or benefice, and not at a greater distance than one mile from the church belonging to such living, and also to contract for any land adjoining or lying convenient to such house or building, or to the house or building belonging to any parochial living or benefice having no glebe lying near or convenient to the same, not exceeding the quantity thereby limited, and to cause the purchase money for such house or buildings to be paid out of the money to arise under the powers and authorities of the said act; in all which cases the said buildings and lands should be conveyed to the patron of such living or benefice, and his heirs, in trust for the sole use and benefit of the rector, vicar or other incumbent of such living or benefice for the time being, and their successors, and should be annexed to such church or chapel, and be

- enjoyed and go in succession with the same for ever: but no contract so made by the nominee should be valid until confirmed by the ordinary, patron and incumbent, by writing under their hands; and every such purchase deed was to be in the form or to the effect contained in the schedule to the said act annexed, and should be registered in such manner and in such office as other deeds were thereby directed to be registered: and whereas an act was passed
- 31 G. 3, c. 66. in the twenty-first year of the reign of his said late majesty, to explain and amend the said first mentioned act: and whereas in
- 43 G. 3, c. 107. and by an act of parliament passed in the forty-third year of his said late majesty's reign, intituled *an act for effectuating certain parts of an act passed in the second and third years of the reign of her late majesty queen Anne, intituled 'an act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling any other persons to make grants for the same purpose,' so far as the same relates to deeds and wills made for granting and bequeathing lands, tenements, hereditaments, goods and chattels to the governors of the bounty of queen Anne, for the purposes in the said act mentioned; and for enlarging the powers of the said governors; it was enacted, that where a living should have been or should be augmented by the said governors, either by way of lot or benefaction, and there was no parsonage house suitable for the residence of the minister, it should be lawful for the said governors, and they were thereby empowered from time to time, in order to promote the residence of the clergy on their benefices, to apply and dispose of the money appropriated for such augmentation, and remaining in their hands, or any part thereof, in such manner as they should deem most advisable, in or towards the building, rebuilding or repurchasing a house and other proper erections within the parish, convenient and suitable for the residence of the minister thereof, which house should for ever thereafter be deemed the parsonage house appertaining to such living to all intents and purposes whatsoever: and whereas in and by an act of*
- 55 G. 3, c. 147. parliament passed in the fifty-fifth year of the reign of his said late majesty, intituled *an act for enabling spiritual persons to exchange the parsonage or glebe houses or glebe lands belonging to their benefices for others of greater value, or more conveniently situated for their residence and occupation; and for annexing such houses and lands so taken in exchange to such benefices, as parsonage or glebe houses and glebe lands; and for purchasing and annexing lands to become glebe in certain cases; and for other purposes; it was enacted, that from and after the passing of the said act it should be lawful to and for any owner or owners of any messuages, buildings, lands or hereditaments, whether such owner or owners should be a corporation sole or aggregate, or tenant or tenants in fee simple, or in fee tail general or special, or for life or lives, and for the guardians, trustees or feoffees for charitable or other uses, husbands or committees of or acting for any such owner or owners as aforesaid, who at the time of making any exchange or purchase authorized by the said act should be respectively infants, feme coverts or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself or*
- Sec. 3.
- Sec. 12.

herself, by deed or deeds indented, and to be registered as therein mentioned, and with such consent, and to be signified as therein mentioned, of such incumbent and of the patron and bishop, to grant and convey to any parson, vicar or other incumbent for the time being of any ecclesiastical benefice, perpetual curacy or parochial chapelry, any messuage, outbuildings, yards, gardens and lands, with their appurtenances, or any messuage or outbuildings only, or any lands (with or without necessary outbuildings) only, of such owner or owners, in lieu of and in exchange for any parsonage house, outbuildings, yards, gardens, and glebe lands and pastures, feedings and rights of common, or any of them, or any part thereof, of or belonging to any such benefice, perpetual curacy or parochial chapelry, or (in cases of purchase) to sell and convey to such parson, vicar or other incumbent, any lands, not exceeding in the whole twenty statute acres, with the necessary outbuildings thereon, for such sum or sums of money as should be certified to be the true and just value of the same at the time of such sale thereof, by a valuation to be made as therein directed; which said sum or sums of money to be received for the purchase of any lands or hereditaments should, in all cases where the lands or hereditaments so to be purchased belonged to any corporation sole or aggregate, infant, feme covert, lunatic or person or persons under any other disability or incapacity, with all convenient speed be paid into the bank of *England*, in the name and with the privity of the accountant general of the high court of chancery, to such account, and applied or laid out in such manner and for such purposes, and the interest and annual produce thereof to be paid to such persons, as in and by the said act appointed and directed: and whereas the provisions of the said last recited act have been extended to *Ireland* by an act passed in the fourth year of the reign of his present majesty, intituled *an act to amend the laws for collecting church rates and money advanced by the trustees and commissioners of the first fruits of ecclesiastical benefices and for the improvement of church lands, in Ireland*; and also by an act passed in the fifth year of his present majesty's reign, intituled *an act to amend an act of the last session of parliament, for amending the laws for the improvement of church lands in Ireland*: and whereas several acts were passed in the fifty-sixth year of the reign of his said late majesty, and in the first and sixth years of the reign of his present majesty, to amend the said act of the fifty-fifth year of his late majesty's reign: and whereas the means of providing houses and buildings for the residence and occupation of the parochial clergy are still in many cases insufficient, by reason that the powers given to owners of houses, buildings and lands, by the said act of the fifty-fifth year of his late majesty's reign, if under any disability or incapacity to convey, authorize the sale of land only, and the exchange only of houses and buildings; and that although power to purchase houses and buildings is given by the said acts of the seventeenth and forty-third years of his late majesty's reign, the owners thereof, if under any such disability or incapacity, are not empowered to sell and convey the same: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

Extended to  
Ireland by  
4 G. 4, c. 88.

5 G. 4, c. 8.

56 G. 3, c. 52.

1 G. 4, c. 6.

6 G. 4, c. 8.



Corporations and persons under disability or incapacity authorized to sell messuages, lands, &c. for the purposes of recited acts.

parliament assembled, and by the authority of the same, that from and after the passing of this act it shall and may be lawful to and for any owner or owners of any messuages, buildings or lands, which may be purchased under the authority of the said acts of the seventeenth and forty-third and fifty-fifth years of his late majesty's reign, or either of them, whether such owner or owners shall be a corporation sole or aggregate, or tenant or tenants in fee simple or in fee tail, general or special, or for life or lives, and for the guardians, trustees or feoffees for charitable or other uses, husbands or committees of or acting for any such owner or owners as aforesaid, who shall be respectively infants, feme coverts or lunatics, or under any other legal disability, or otherwise disabled to act for themselves, himself or herself, to sell such messuages, buildings and lands, or any of them, for the purposes of the said acts or either of them, and to convey the same in manner hereinafter mentioned; and all messuages, buildings and lands, which shall be purchased under the authority of this act or of the said acts of the seventeenth, forty-third and fifty-fifth years of his late majesty's reign, or either of them, shall be conveyed unto and to the use of the parson, vicar or other incumbent of the benefice, curacy or chapelry, for the residence and occupation of the parson, vicar or other incumbent whereof the same shall be purchased, and shall for ever, from and after the conveyance thereof, be and become annexed to the same benefice, curacy or chapelry, and be holden and enjoyed by the parson, vicar or other incumbent thereof, and his successors, accordingly, without any licence or writ of *ad quod damnum*, the statute of mortmain, or any other statute or law to the contrary notwithstanding; and a copy of every such conveyance of any messuage, buildings or lands, the purchase money whereof shall be raised under the powers of the said act of the seventeenth year of his late majesty's reign, shall be registered as by the said act is directed with respect to conveyances thereby authorized.

Conveyance to be registered.

Such messuages, lands, &c. to be surveyed, and the map and valuation verified on oath and preserved.

II. Provided always, and be it further enacted, that in every case in which any messuage, buildings or lands shall be sold under the authority of this act, by any owner or owners having any less estate or interest in the same than in fee simple, or by any corporation aggregate or sole, or person or persons under any legal disability, a map and plan thereof, under an actual survey and a valuation thereof, shall be made and taken by some competent surveyor, and verified upon oath to be taken before some justice of the peace, which oath any justice of the peace is hereby authorized to administer; and such map, plan and valuation, and the affidavit verifying the same, shall be annexed to and preserved with the conveyance.

Application of purchase money.

III. Provided also, and be it further enacted, that in every case in which a sale and conveyance shall be made under the authority of this act, of any messuages, buildings or lands which shall belong to any corporation aggregate or sole, or tenant in fee tail, general or special, or for life or lives, infant, feme covert, lunatic or person or persons under any other legal disability, or otherwise disabled to act for themselves, himself or herself, the purchase money for the same shall with all convenient speed be paid into the bank of *England* or the bank of *Ireland*, as the case may be, in the name and with the

privity of the accountant general of the high court of chancery of *England* or *Ireland*, as the case may be, to be placed to his account *as parte* the person or persons or corporation who would have been entitled to the rents, issues and profits of such messuages, buildings or lands; to the intent that such money shall be applied or laid out under the direction and with the approbation of the said court of chancery of *England* or *Ireland*, (to be signified by an order to be made upon a petition to be preferred by or on behalf of the person or persons who would have been entitled to the rents, issues and profits of such messuages, buildings or lands), in the purchase of the land tax, or towards the payment of any debts or incumbrances affecting the same messuages, buildings or land, or other lands or hereditaments standing settled to the same or the like uses, or in the purchase of other lands or hereditaments, to be conveyed, settled and made subject to and for and upon such and the like uses, trusts, limitations and dispositions, and in the same manner as the messuages, buildings or lands so purchased as aforesaid stood settled or limited, or such of them as at the time of making such purchase and conveyance shall be existing undetermined and capable of taking effect; and in the mean time and until such purchase shall be made, the said money shall, by order of the said court of chancery of *England* or *Ireland* upon application thereto, be invested by the accountant general in his name in some one of the public funds of *England* or *Ireland*, and the dividends and annual produce thereof shall from time to time be paid, by order of the said court, to the person or persons who would have been entitled to the rents, issues and profits of the said messuages, buildings or lands, in case no purchase and conveyance thereof had been made under the provisions of this act.

1 & 2 VICTORIA, CAP. 23.—*An act to amend the law for providing fit houses for the beneficed clergy.*—Whereas for further promoting the residence of the clergy it is expedient and desirable that the powers and provisions given and made by an act passed in the seventeenth year of the reign of king *George* the third, intituled *an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices*, as the same are explained and amended by an act passed in the twenty-first year of the same reign, intituled *an act to explain and amend an act made in the seventeenth year of the reign of his present majesty, intituled 'an act to promote the residence of the parochial clergy, by making provision for the more speedy and effectual building, rebuilding, repairing, or purchasing houses and other necessary buildings and tenements for the use of their benefices,'* should be extended: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and immediately after the passing of this act it shall be lawful for the incumbent of any benefice to borrow and take up at interest for the purposes of the said acts, and also for the purpose of buying or procuring, if necessary, a proper site for a house and other necessary buildings, or for

17 G. 3, c. 53.  
21 G. 3, c. 66.  
Extension of the provisions of recited acts relating to the repairing and building of houses of residence.

the purposes of the said acts only, any sum or sums of money not exceeding three years' net income of such benefice, and to take all such proceedings as are required in and by the said acts (so far as the same are applicable for that purpose), and, as a security for the money so to be borrowed, to mortgage the glebe, tithe, rent charges, rents, and other profits and emoluments belonging to such benefice, to such person or persons, corporation or corporations aggregate or sole, as shall lend the same money, by one or more deed or deeds, for the term of thirty-five years, or until the money so to be borrowed, with interest for the same, and such costs and charges as may attend the recovery thereof, shall be fully paid and satisfied, according to the terms and conditions of the said acts (so far as the same are applicable, and not hereby repealed or altered); and that from and after the expiration of the first year of the said term (in which year no part of the principal sum borrowed shall be repayable) the incumbent shall yearly and every year (such year to be computed from the day of the date of the mortgage) pay to the mortgagee one thirtieth part of the said principal sum, until the whole thereof shall be repaid, and shall at the end of the first and each succeeding year pay the yearly interest on the said principal sum, or on so much thereof as shall from time to time remain unpaid, in each case according to the terms and conditions of the said acts, except so far as the same are hereby repealed or altered; and such mortgage deed or deeds shall be made as nearly as may be in the form or to the effect of the form contained in the schedule to the said acts or one of them, and shall bind every succeeding incumbent of such benefice until the principal and interest, costs and charges, shall be paid off and discharged, as fully and effectually as if such successor had made and executed the same.

Repeal of so much as requires non-residents to pay £10, per cent. per an. of sum borrowed, &c.

II And be it enacted, that so much of the said acts as requires the incumbent of a benefice mortgaged under the provisions thereof, if non-resident, to pay ten pounds *per centum per annum* of the money originally advanced, and obliges an incumbent paying five pounds *per centum per annum* to produce a certificate of residence, shall be and the same are hereby repealed as to all mortgages to be made after the passing of this act.

The yearly instalments of principal sums secured by existing mortgages to the governors of the queen Anne's bounty reduced.

III. And be it enacted, that for the future, as to every mortgage which has been made to the governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, by any bishop, under the powers of an act of parliament specially enabling him, whereby a greater yearly instalment than one thirtieth part of the principal sum is stipulated to be paid, or by the incumbent of a benefice, by virtue of the two before mentioned acts, the instalment of the principal sum to be paid in every year to the said governors or their assigns by such bishop or by the incumbent (whether such incumbent shall have been resident for the space of twenty weeks in the year for which such instalment shall be payable, or not, and without the production of any certificate of such residence), shall be one thirtieth part of the principal sum originally advanced on such mortgage, in lieu of the yearly instalment thereby stipulated to be paid, until the whole of the said principal sum shall be fully discharged and paid, such substituted yearly instalment to commence

and be paid in each case on the day when the next yearly instalment by virtue of the said mortgage shall become due ; and the mortgages made to the said governors of the estates of any bishopric, or of the glebe, tithes, rents, and other profits and emoluments of any benefice, shall in every case be and remain in force as a security for the yearly instalments of the principal by the said mortgages agreed to be paid, as well as for the payment of the interest arising on such mortgages, and with all the powers and remedies for enforcing the same given by the said respective acts, until the money borrowed, and all interest for the same, and also all costs and charges which shall be occasioned by the nonpayment thereof, shall be fully paid and discharged, in like manner as if such substituted yearly instalments had been expressly mentioned in and secured by the said mortgages, the expiration of the term of years granted by the said mortgages, or any other cause or matter whatsoever, notwithstanding.

IV. And be it further enacted, that it shall be lawful for the said governors to advance and lend any sum or sums of money not exceeding the sum of one hundred pounds in respect of each benefice, out of the money which has arisen or shall from time to time arise from the said bounty for promoting and assisting the several purposes of the said acts and of this act, with respect to any such benefices as shall not exceed the clear annual improved value of fifty pounds, and such mortgage and security shall be made for the repayment of the principal sums so to be advanced as are hereinbefore mentioned, but no interest shall be paid for the same ; and in cases where the annual value of such benefice shall exceed the sum of fifty pounds, that it shall and may be lawful for the said governors to advance and lend for the same purposes any sum or sums of money to the extent authorized by this act to be borrowed, upon such mortgage and security as aforesaid, and subject to the several regulations of this act, and to receive interest for the same not exceeding four pounds for one hundred pounds by the year.

Governors of queen Anne's bounty may advance £100 for benefices not exceeding £50 a year without interest.

V. And be it enacted, that it shall be lawful for any college or hall within the universities of *Oxford* or *Cambridge*, or for any other corporate bodies possessed of the patronage of ecclesiastical benefices, to advance and lend any sum or sums of money of which they have the power of disposing in order to aid and assist the several purposes of this act, for the building, rebuilding, repairing, or purchasing of any houses or buildings for the habitation or convenience of the clergy, or sites for such houses and buildings, upon benefices in the patronage of such colleges or halls respectively, upon the mortgage and security directed by this act for the repayment of the principal, without taking any interest for the same.

Colleges, &c. may advance money, interest free, to benefices in their patronage for houses.

VI. And be it enacted, that when it shall happen that any existing house and offices belonging to any benefice shall be unfit for the residence of the incumbent thereof, and shall be incapable of being enlarged or repaired so as to be rendered fit for his residence ; and it shall be so certified to the bishop of the diocese wherein such benefice shall be situate by some competent surveyor or architect, and that it will be advantageous to the benefice that such house and offices should be suffered to remain, it shall be lawful for such incumbent, with the consent in writing of such bishop (such consent

Old benefice houses in certain cases may be converted into farming buildings for the tenants of the glebe.

to be registered in the registry of such bishop), to allow such house and offices to remain standing as a dwellinghouse and offices, or to convert the same into farming buildings for the use and occupation of the occupier or occupiers of the glebe lands belonging to such benefice; and from and after the complete erection or the purchase of a new house and offices to the satisfaction of the bishop of the diocese such old house and offices shall from thenceforth be used for and converted to the purposes aforesaid; and the house and offices to be so erected or purchased shall from thenceforth to all intents and purposes be deemed and taken to be the residence house of and for such benefice, without the necessity of obtaining any licence or faculty for that purpose.

**Power to incumbent (with consent of patron and ordinary and archbishop) to sell house of residence if inconveniently situated, or under special circumstances.**

VII. And be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof, and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto not exceeding \_\_\_\_\_ acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money for the same as hereinafter mentioned by deed indented to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint.

**Purchase  
monies to be  
paid to the  
governors of  
queen Anne's  
bounty :**

VIII. And be it enacted, that the monies to arise from such sale or sales as aforesaid shall be paid to the said governors of the bounty of queen *Anne* ; and that the receipt or receipts of the treasurer for the time being of the said governors shall be and be deemed and taken to be an effectual discharge to the person or persons paying such monies, or for so much thereof as in such receipt or receipts shall be expressed ; and after obtaining such receipt or receipts such purchaser or purchasers shall be absolutely discharged from the money for which such receipt or receipts shall be given, and shall not be answerable or accountable for the loss, misapplication, or non-application of such monies or any part thereof.

**to be applied to buy or build a house for incumbent's residence.**

IX. And be it enacted, that the monies to arise from such sale or sales as aforesaid shall, after payment of all costs, charges, and expenses of such sale or sales, be applied and disposed of by the said governors in or towards the erection or purchase of some other house and offices, or the purchase of an orchard, garden, and appurtenances, or land for the site of a house, any or either of them, together with land contiguous thereto, and not exceeding twelve acres, suitable for the residence and occupation of the incumbent of such benefice, and approved of by the said ordinary and patron, such approval to be signified under the respective hands of such ordinary

and patron, and to be deposited in the registry of such ordinary; and such house shall from thenceforth be deemed and taken to be the house of residence of such benefice for all purposes whatsoever.

X. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patronage of such benefice shall be in the crown, the consent of the crown to the exercise of such power shall be testified in the manner hereinafter mentioned; (that is to say), if such benefice shall be above the yearly value of twenty pounds in the queen's books, the instrument by which the power shall be exercised shall be executed by the lord high treasurer or first lord commissioner of the treasury for the time being; and if such benefice shall not exceed the yearly value of twenty pounds in the queen's books, such instrument shall be executed by the lord high chancellor, lord keeper or lords commissioners of the great seal for the time being; and if such benefice shall be within the patronage of the crown in right of the duchy of *Lancaster*, such instrument shall be executed by the chancellor of the said duchy for the time being; and the execution of such instrument by such person or persons shall be deemed and taken for the purposes of this act to be as execution by the patron of the benefice.

How consent of patron to be testified when patronage in the crown.

XI. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by the said acts or by this act, and the advowson and right of patronage of such benefice shall be part of the possessions of the duchy of *Cornwall*, the consent of the patron of such benefice to the exercise of such power shall be testified in the manner hereinafter mentioned; (that is to say), the instrument by which the power shall be exercised shall be executed by the duke of *Cornwall* for the time being, if of full age; but if such benefice shall be within the patronage of the crown in right of the duchy of *Cornwall*, such instrument shall be executed by the same person or persons who is or are by the said acts authorized to testify the consent of the crown to the exercise of any power given thereby in respect of any benefice in the patronage of the crown; and the execution of such instrument by such person or persons shall be deemed and taken, for the purposes of the said acts and of this act, to be an execution by the patron of the benefice.

How consent to be given when patronage is attached to the duchy of Cornwall.

XII. And be it enacted, that in any case in which the consent of the patron of any benefice shall be required to the exercise of any power given by this act, and the patron of such benefice shall be a minor, idiot, lunatic, or feme covert, it shall be lawful for the guardian or guardians, committee or committees, or husband of such patron (but in case of a feme covert with her consent in writing) to execute the instrument by which such power shall be exercised in testimony of the consent of such patron; and such execution shall for the purposes of this act be deemed and taken to be an execution by the patron of the benefice.

How consent to be given where patron is an incapacitated person.

XIII. And be it enacted, that all powers, authorities, provisions, forms, and matters in the said acts contained shall, except as is herein otherwise directed, extend and be applicable, *mutatis mutandis*, to all mortgages and other instruments made, as well under and for

Remaining powers of recited acts extended to this act.

the purposes of this act as of the before mentioned acts, and as if the same had been respectively repeated and set forth herein.

In case of a purchase the powers of act 1 G. 4, c. 66, to apply.

XIV. And be it enacted, that in the case of a purchase as aforesaid the several powers and provisions contained in an act made and passed in the seventh year of the reign of his majesty king *George* the fourth, intituled *an act to render more effectual the several acts now in force to promote the residence of the parochial clergy, by making provision for purchasing houses and other necessary buildings for the use of their benefices*, shall be and the same are hereby extended to this act for the purposes aforesaid.

Sequestrations under act 17 G. 3, c. 53, to have priority.

XV. And be it enacted, that every sequestration to be issued under the provisions of the said act of the seventeenth year of the reign of king *George* the third shall have priority, and the sums to be thereby recovered shall be paid and satisfied in preference to all other sequestrations and the sums to be thereby recovered, except such sequestrations as shall be founded on judgments duly signed and docketed before the passing of this act.

Construction of "benefice" in this act.

XVI. And be it further enacted, that in the construction of this act the word "benefice" shall be deemed, construed, and taken to extend to and comprise all rectories with cure of souls, vicarages, perpetual curacies, and chapelries, the incumbents of which respectively in right thereof shall be corporation sole.

1 Vict. c. 23.

1 & 2 VICTORIA, CAP. 29.—*An act to supply an omission in an act passed in the present session of parliament, intituled an act to amend the law for providing fit houses for the beneficed clergy.*—Whereas an act of parliament was passed in the present session of parliament, intituled *an act to amend the law for providing fit houses for the beneficed clergy*: and whereas the seventh section of the said act is in the words following; (that is to say), "and be it enacted, that where the residence house, gardens, orchard, and appurtenances belonging to any benefice shall be inconveniently situate, or for other good and sufficient reasons it shall be thought advisable to sell and dispose thereof, it shall and may be lawful for the incumbent of such benefice, and he is hereby authorized and empowered, with the consent and approbation of the ordinary and patron thereof and of the archbishop of the province, to be signified by their executing the deed of conveyance hereby authorized to be made, absolutely to sell and dispose of such house, gardens, orchard, and appurtenances, any or either of them, with any land contiguous thereto, not exceeding                  acres, to any person or persons whomsoever, either altogether or in parcels, and for such sum or sums of money as to such ordinary and patron and archbishop shall appear fair and reasonable, and upon payment of the purchase money for the same as hereinafter mentioned by deed indented to convey and assure such house, gardens, orchard, land, and appurtenances unto and to the use of the purchaser or purchasers thereof, his or their heirs or assigns, or as he or they shall direct or appoint:" and whereas the space in the said recited section of the said act between the words "exceeding" and "acres," which was intended to be supplied with the word "twelve," was inadvertently left 'blank:' be it declared and enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and

commons, in this present parliament assembled, and by the authority of the same, that the said hereinbefore recited section of the said act of parliament shall be deemed, construed, and taken to have such and the same effect to all intents and purposes whatsoever as if the said word "twelve" had been originally inserted therein between the words "exceeding" and "acres."

Sec. 7 in the recited act to have the intended effect, notwithstanding the omission.

1 & 2 VICTORIA, CAP. 106.—*An act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy.*—See Title—"PLURALITIES," vol. iii. p. 644.

5 & 6 VICTORIA, CAP. 26.—*An act to alter and amend the law relating to ecclesiastical houses of residence.*—Whereas it is expedient to alter and amend the law relating to ecclesiastical houses of residence: be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that whenever it shall appear to be expedient to relieve any bishop having more episcopal houses of residence than one from any of such houses, or to provide any bishop with a more convenient house of residence, or to add to, alter, improve, or take down and rebuild any episcopal house of residence, or to improve the demesnes thereof, it shall be lawful, by the authority provided in an act passed in the session of parliament held in the sixth and seventh years of the reign of his late majesty, intituled *an act for carrying into effect the reports of the commissioners appointed to consider the state of the established church in England and Wales, with reference to ecclesiastical duties and revenues, so far as they relate to episcopal dioceses, revenues, and patronage*, with the consent under the hand and episcopal seal of the bishop, to make such arrangements as may by such authority be deemed most expedient, for selling and conveying, to such person or body corporate, and for such consideration as may be approved by the like authority, any episcopal house of residence then belonging to the see of such bishop, or for taking down the same or any part thereof, and selling the site or the materials thereof (as the circumstances may render expedient), or for adding to, altering, improving, or taking down and rebuilding any episcopal house of residence, or for improving the demesnes adjoining to any such house by the purchase of any land, tenement, or hereditament in the immediate neighbourhood or within the view thereof, or for building a new episcopal house of residence for any see on any site to be approved by the like authority, and for applying the proceeds of any such sale as aforesaid, or any part thereof, to any of such purposes, or to any such other purposes, and in such manner as shall appear to be most conducive to the permanent benefit of the see; and that so much of the said act as relates to the providing of any bishop with a more suitable and convenient residence shall be extended so as to include and apply to any of the purposes of this act.

Episcopal house may in certain cases be taken down and sold, or may be rebuilt or altered.

6 & 7 W. 4, c. 77.

Provisions of 6 & 7 W. 4, c. 77, s. 1, made applicable thereto.

II Provided always, and be it enacted, that in any scheme which shall be laid before her majesty in council by the ecclesiastical commissioners for *England* under this act, recommending any arrangement for taking down or selling any episcopal residence, or changing the site thereof, the said commissioners shall set forth particularly

Commissioners to state their reasons for the alteration.



the grounds and reasons upon which they deem it expedient to offer such recommendation,

Repeal of  
2 & 3 Vict.  
c. 18, except  
as to sub-  
sisting mort-  
gages.

III. And be it enacted, that an act passed in the session of parliament held in the second and third years of her majesty's reign, intituled *an act to enable archbishops and bishops to raise money on mortgage of their sees, for the purpose of building and otherwise providing fit houses for their residence*, shall be repealed; provided that nothing herein contained shall affect any subsisting mortgage made under the provisions thereof, but that every such mortgage, and all proceedings completed and in progress in respect thereof, shall be as valid and effectual, and all the parties to such mortgage or to any such proceedings shall continue subject to the same conditions and provisions, as if the said act had not been repealed.

Deficiency  
in bishop's  
income may  
be supplied.

IV. And be it enacted, that in case such a deficiency shall have been or would be created in the average annual income of any bishop appointed after the passing of the said first recited act, by the effecting of any mortgage or other arrangement under either of the said acts or this act, as to reduce it below the average annual income of such bishop named in the first recited act, or in any order of her majesty in council issued under the provisions thereof, it shall be lawful, by the authority aforesaid, out of any monies from time to time standing to the credit and account of the ecclesiastical commissioners for *England*, being part of payments from the larger sees respectively towards the augmentation of the incomes of the bishops of the smaller sees, if it shall be deemed fit, and if such monies, after duly considering all the claims thereon, shall appear to be sufficient for such purpose, to make any arrangement for supplying or preventing such deficiency or any part thereof which by the like authority shall be deemed expedient.

Chapters,  
Deans, and  
canons may  
purchase,  
and alter,  
take down,  
or rebuild.

V. And be it enacted, that it shall be lawful for the dean and chapter, or for the dean, or for any canon of any cathedral church, under the authority aforesaid, to purchase any episcopal house of residence sold under the provisions of this act, or the site of any such house, or any other house or site, being contiguous or near to such cathedral church, or any part of such house or site, and to add to, alter, or improve any such house, or to take down the same, and to build another house or more houses than one upon the site thereof, or to apply the site of any such house, or any part thereof, by and with the authority aforesaid, to the improvement of the cathedral or the precincts thereof; and that so much of an act passed in the session of parliament held in the third and fourth years of her majesty's reign, intituled *an act to carry into effect, with certain modifications, the fourth report of the commissioners of ecclesiastical duties and revenues*, as relates to the raising of monies by any dean or canon for the purpose of building, enlarging, or otherwise improving the residence house of his deanery or canonry, shall be extended so as to make lawful the raising of monies, in the manner and with the authority therein provided, by any dean and chapter, dean or canon, for any purpose of this act.

Provisions of  
3 & 4 Vict.  
c. 113, s. 59,  
made appli-  
cable thereto

Episcopal  
house may  
be made the  
deanery or a

VI. And be it enacted, that any house so purchased by the dean and chapter, dean or canon of any cathedral church, or any house erected upon any site so purchased, may by the authority aforesaid,

and with the consent of the dean and chapter, be made the deanery, or the house of residence for any canon of such church; and the house theretofore occupied as the deanery, or any house no longer required as the house of residence of any canon, may be so applied or disposed of as may by the same authority and with the like consent be determined on.

VII. And be it declared and enacted, that the provisions of an act passed in the session of parliament held in the fourth and fifth years of her majesty's reign, intituled *an act to explain and amend two several acts relating to the ecclesiastical commissioners for England*, respecting the disposal of houses no longer required by any canon, do and shall apply to all such houses, whether there may have been any exchange of such houses or not.

canonical house.

Provisions of 4 & 5 Vict. c. 39, s. 18, respecting disposal of canonical houses, &c.

VIII. And be it declared and enacted, that the provisions of the thirdly recited act, relating to the sale and application of any sum of money invested in trust for any ecclesiastical body corporate, do and shall include and apply to all monies and securities for money, and to all stock in the government funds or elsewhere, standing in the name of the accountant general of the court of chancery, or in the name or names of any other public officer, or of any individual or individuals, for or to the credit or for the benefit of or in trust for any bishop, dean, and chapter, or canon, whether for the purpose of being laid out in land or otherwise; and that the same provisions, and also the provisions of the same act relating to the sale, transfer, or exchange of any lands or other hereditaments belonging to any bishop or chapter, shall extend and may be applied to any of the purposes of this act.

Defining other provisions of 3 & 4 Vict. c. 113, s. 68, and extending them to this act.

IX. And be it enacted, that whenever any house of residence to be sold or taken down as aforesaid shall contain any pictures, books, or other goods and chattels belonging to the owner of such house in right of his dignity, and not in his private capacity, directions shall be given by the authority aforesaid for the sale of such fixtures and articles of furniture as shall be deemed to be unfit for removal to the new or other house of residence, and for the application of the money arising from such sale to purposes consistent, as nearly as may be, with the source from whence the money shall have arisen, and also for the removal to such new or other house of residence of all such pictures and books, and of all such other fixtures, goods, and chattels, as shall be deemed to be fit for removal thereto, and for the deposit and care of them thereat, in conformity, as nearly as may be, with the uses to which they were previously applicable respectively.

Certain fixtures and articles of furniture in any house sold or taken down may be sold or removed to any other house.

X. And be it enacted, that in every case of a house of residence purchased, built, rebuilt, added to, or improved under the authority of the first recited act or of this act, or the provisions of the secondly recited act, all fixtures, fittings, and other articles in such house which shall have been or shall be paid for out of any monies provided or raised under such authority or such provisions, and which shall be set forth in an inventory in writing, certified under the common seal of the said commissioners, and registered in the registry of the diocese, shall be deemed to be, to all intents and for all purposes, as much part and parcel of the freehold of such

Certain articles to be deemed freehold fixtures

house of residence as any fixtures can in any case now by law be held to be part and parcel of the freehold.

Residence  
houses to be  
insured.

XI. And be it enacted, that it shall be lawful, by the authority aforesaid, to direct that any house of residence purchased, built, rebuilt, added to, altered, or improved under the provisions of the said recited acts or either of them, or of this act, shall be insured and kept insured by the bishop, dean, or canon for the time being in the occupation thereof, at his own personal charge and expense, in such public office or offices of assurance from loss or damage by fire, and in such sum or sums, as by the like authority may be deemed fit, and such house shall be insured and kept insured accordingly; and that the receipt for every premium payable for any such insurance shall be delivered to the said commissioners within fourteen days after such premium shall become due; and that in case of loss or damage by fire to any such house so insured, it shall be lawful, by the like authority, to direct in what manner the money received under any such insurance shall be deposited, in trust to be applied towards the rebuilding or repairing and the reinstating of such house, or of any such part thereof as may have so suffered loss or damage, and also to direct in what manner the same money, and the interest and accumulations thereof, if any shall be applied to such last mentioned purposes.

Corporations  
and persons  
under legal  
disability  
empowered  
to sell.

XII. And be it enacted, that it shall be lawful for any corporation, aggregate or sole, tenant for life or in tail, guardian, committee, or trustee, on behalf of their or his successors, heirs, remaindermen, issue in tail, infants, lunatics, and *cestuique* trusts respectively, and for any feme covert, to contract for, sell, and convey any lands, tenements, or hereditaments, or if copyhold to enfranchise the same, for any of the purposes of the first and thirdly recited acts or this act; and that if the purchase money shall amount to or exceed the sum of two hundred pounds, the same shall be paid, without fee or reward, into the bank of *England*, in the name and with the privity of the accountant general of the court of chancery, to be placed to his account *ex parte* the bishop, dean, and chapter, dean, or canon, as the case may be, to whom or for whose benefit any such lands, tenements, or hereditaments shall have been so sold and conveyed or enfranchised, to the intent that such money shall be applied, under the direction of the said court, by order made upon the summary petition of the corporation or person entitled to the rents and profits of the said lands, tenements, or hereditaments, in the purchase of the land tax, or towards the discharge of any debt or debts, or other incumbrance, or any part thereof, affecting the same lands, tenements, or hereditaments, or affecting other lands, tenements, or hereditaments standing settled therewith to the same or the like uses, intents, and purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under the like direction, in the purchase of other lands, tenements, or hereditaments, to be conveyed to, for, or upon such and the like uses, intents, and purposes, and in the same manner, as the lands, tenements, or hereditaments so sold, conveyed, or enfranchised stood settled or limited, or such of them as shall be then existing undetermined and capable of taking effect; and in the meantime, and

Application  
of purchase  
money where  
it exceeds  
£200.

until such purchase shall be made, the same money shall, by like order, be invested by the said accountant general in his name in the purchase of three pounds *per centum* consolidated or reduced bank annuities; and in the meantime, and until the said bank annuities shall be ordered by the said court to be sold for any purpose aforesaid, the dividends and annual produce thereof shall, by like order, be from time to time paid to such corporation or person; and that any such purchase money which shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, shall be paid to three trustees, to be nominated in an instrument in writing duly executed by such corporation or person, and approved by the said commissioners under their common seal; in order that such principal money, and the dividends accruing thereon, may be applied in manner hereinbefore directed, so far as may be, without the direction or approbation of the said court; and that any such purchase money which shall not exceed the sum of twenty pounds shall be paid to such corporation or person; and the certificate of the cashier of the bank of *England* shall be a sufficient discharge for any such purchase money as aforesaid therein certified to be received; and in case of infancy or other incapacity, the receipt in writing of any guardian, husband, committee, or trustee, as the case may be, for any such purchase money, shall be a sufficient discharge for the amount therein acknowledged to be received.

Where less than £200, but exceeding £20.

When not exceeding £20. Certificate of cashier and receipts of guardians, &c. to be good discharges.

XIII. And be it enacted, that the powers for enabling incumbents of benefices to raise money by way of mortgage for the purpose of purchasing, building, or improving their houses of residence shall not be exercised by the incumbent of any benefice augmented under the provisions of the thirdly recited act, without the consent of the said commissioners signified under their common seal.

Restriction as to mortgaging certain augmented benefices

XIV. And be it enacted, that all the powers and authorities vested in her majesty in council and in the said commissioners by the thirdly recited act, with reference to the matters therein contained, and all other the provisions of the same act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued and extended and apply to her majesty in council and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively, with reference to all matters contained in this act, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

Powers of 3 & 4 Vict. c. 113, extended to this act.

XV. And be it enacted, that this act may be amended or repealed by any act to be passed in the present session of parliament.

Act may be amended, &c.



## RESIDENCE OF SPIRITUAL PERSONS, IRELAND.

43 GEORGE 3, CAP. 106.—*An act to enable the commissioners of first fruits in Ireland to lend certain sums of money (interest free) to incumbents of benefices there, for the purpose of enabling them to erect or purchase glebe houses and offices convenient for their residence; and to purchase glebe lands fit and convenient for the erection of such houses and offices; and to make provision for the repayment of all loans so to be made by the said commissioners.*—Whereas, in many parts of Ireland, there are no mansion or glebe houses fit and convenient for the residence of the respective incumbents, in or on their several parishes or benefices; and it would greatly tend to encourage the erection of proper buildings for the residence of such incumbents, if the trustees and commissioners of the first fruits in *Ireland* were enabled to advance sums of money out of the monies entrusted to their disposal, from time to time, by way of loan, to such incumbents for such purpose, and if full provision were made for repayment of such loan by instalments, without interest, by means whereof in course of time all the parishes and benefices in *Ireland* might be provided with glebe houses for the residence of the respective incumbents; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the trustees and commissioners of the first fruits in *Ireland*, from time to time, and in such proportion as they shall think proper, to lend and advance, out of the funds entrusted to their care, to the incumbent of any benefice, parish, or union of parishes, who shall apply for the aid and assistance intended to be given by this act, any sum of money not exceeding two years' net income of such benefice, parish, or union, to be applied to the purposes of building a mansion or glebe house and offices, and making other improvements, or in the purchase of houses already built, for the fit and suitable habitation and residence of such incumbent and his successors, or in the purchase of glebe or demesne lands fit and convenient for the erection of such glebe houses and offices.

The board of first fruits may lend out of their funds certain sums to incumbents for building glebe houses and offices.

II. And be it further enacted, that the incumbent of every such benefice, parish, or union of parishes, to whom any such money shall be so advanced, or in case of his death or removal before the repayment of the whole sum so advanced, his successor or successors for the time being shall, and he and they is and are hereby severally required and bound to repay to the said trustees and commissioners of the first fruits, or their treasurer, so much of the said sum as shall become due, by instalment during their respective incumbencies in manner following; that is to say, six pounds *per centum* of the sum so advanced on the first day of *July* next after the expiration of one year from the day on which the last sum advanced to such incumbent, for the purpose aforesaid, shall have been

Incumbents and their successors shall repay money lent, by annual instalments.

so advanced and lent, (or within twenty-one days after); six pounds *per centum* more of the sum advanced on the first day of *July* in every succeeding year (or within twenty-one days after), until ninety-six pounds *per centum* of the sum so advanced shall be repaid; and four pounds *per centum* more of the sum so advanced on the first day of *July*, (or within twenty-one days after,) in the year succeeding that in which the last instalment of six pounds *per centum*, making in the whole ninety-six pounds *per centum*, shall have been paid as before mentioned.

At what time  
successor  
shall become  
chargeable.

III. Provided always, and be it further enacted, that no person shall be deemed a successor, so as to be charged by or under this act, who shall die or be removed within the space of one year from the death or removal of the incumbent immediately preceding him: provided also, that no successor shall in any case be liable to pay any such instalment before the first day of *July* next after he shall have so become a successor, chargeable under this act, nor to pay any more than one such instalment on such first day of *July*, notwithstanding that more than one year may have intervened between the death or removal of the last incumbent who had been chargeable with the payment of any instalments under this act, and such first day of *July*: provided also, that no interest shall be paid for or upon any sum so advanced by the said trustees or commissioners of the first fruits, or for or upon any part thereof, unless the payment of the said instalments shall be deferred beyond the day on which they shall have severally become due and payable.

No interest  
payable, un-  
less on de-  
fault of in-  
stalments.

Incumbents  
shall give  
bond to the  
board for  
payment of  
the instal-  
ments, &c.

IV. And be it further enacted, that, in order to enforce the punctual and regular discharge and payment of such sums as shall be so lent and advanced in pursuance and by virtue of the provisions of this act, it shall and may be lawful for the said trustees and commissioners of the first fruits for the time being, and they are hereby required to take and receive, previous to the advancing of any sum of money to any incumbent as aforesaid, a bond from such incumbent, binding himself, his heirs, executors, and administrators, to the king's most excellent majesty, his heirs and successors, in a penalty amounting to double the sum advanced, conditioned for the payment to the said trustees and commissioners of the first fruits of all such instalments of the said sums at the several times hereinbefore mentioned, as may severally become due during his incumbency, with legal interest on such instalments respectively, from the respective times when each instalment ought to be paid, until the actual payment thereof; which bond shall have the same force and effect as bonds to the king's most excellent majesty, and for his use, have by virtue of an act, passed in *Ireland* in the twenty-first and twenty-second years of his majesty's reign, intituled *an act for the more speedy and effectual recovery of the king's debts*; and suits shall and may be prosecuted and carried on upon such bonds, by the orders and under the directions of the said commissioners, for recovery of the money which shall be due thereon, in such and the same manner as suits on bonds to the king's majesty may be prosecuted by virtue of the said act.

Recoverable  
as under  
Irish act, 21,  
22 G. 3, c. 20.

All sums to  
be advanced  
shall be a

V. And be it further enacted, that all and every sum and sums of money so to be advanced by the said trustees and commissioners of

the first fruits, to any such incumbent as aforesaid, shall be, from the time of advancing any part thereof, a charge on all the glebe lands, tithes, rents, moduses, composition for tithes, salaries, stipends, fees, gratuities, and all other ecclesiastical emoluments and profits whatsoever, arising or to arise from the benefice, parish, or union of which such person or persons shall be incumbent as aforesaid; and in case default shall be made in the regular discharge of any of the said payments, or any part thereof, on the days appointed for payment thereof, by such incumbent or by his successor or successors, it shall be lawful for the ordinary of the diocese wherein such living, benefice, parish, or union shall be, to sequester the said glebe lands, tithes, rents, moduses, composition for tithes, salaries, stipends, fees, gratuities, and all other ecclesiastical emoluments and profits whatsoever, or such part or parts thereof as he shall deem to be fully sufficient for the purpose; and to put a sequestrator, to be named by and on behalf of the said trustees, into the full possession thereof, and perception of all the profits thereof, to hold until the said trustees shall have fully paid to the fund wherewith they shall be entrusted all such sums of money as shall be then due for any such instalment as aforesaid, together with lawful interest for the same, from the time when every such instalment ought to have been paid, the costs of insuring the premises against fire, sequestrator's fees, and all other costs, charges, and expenses whatsoever attending such sequestration as aforesaid, and the entering into such possession by receipt, enjoyment, and perception of the said rents and profits of such benefice, parish, or union; and in case any difficulty shall arise in obtaining or in retaining quiet possession by such sequestrator as aforesaid, it shall be lawful for the said trustees to apply, by petition in a summary way, to the lord high chancellor, lord keeper, or lords commissioners for the custody of the great seal of *Ireland* for the time being, who shall thereupon cause a writ of assistance to be issued under the great seal, directed to the sheriff of the county, city, or place where such glebe lands, tithes, or other ecclesiastical profits shall be or arise, commanding him to assist, keep, and maintain such sequestrator in the peaceable and quiet possession thereof; and it shall be lawful for the said lord high chancellor, lord keeper, or lords commissioners for the custody of the great seal of *Ireland* for the time being, to proceed against all persons opposing such process, or in any manner hindering the due execution thereof, in the same manner as in other cases of writs of assistance directed to the sheriff in pursuance of orders of the court of chancery for that purpose.

VI. And be it further enacted, that when the sum to be paid by such incumbent as aforesaid shall be fully and entirely repaid, together with such interest, fees, costs, charges, and expenses as aforesaid, it shall be lawful for the incumbent for the time being to apply to the ordinary of the diocese for re-delivery of all the said glebe lands, tithes, rents, and other ecclesiastical emoluments whatsoever so sequestered; and in case the said trustees shall not admit full payment of all such sums of money, fees, costs, charges, and expenses as aforesaid, it shall be lawful for the ordinary to direct an account to be taken thereof by such person or persons as he shall

charge on all the ecclesiastical emoluments of the benefice.

In default of repayment, the ordinary may sequester, and put a sequestrator, to be named by the board, into possession of the profits, until repayment, with costs.

On application of the board, lord chancellor shall issue a writ of assistance to sheriff to keep sequestrator in possession

Upon repayment, redelivery of the glebe, &c. shall be made to incumbent

Ordinary may direct account, if necessary.



appoint for that purpose, and thereupon to make such order, touching such sequestration, as justice shall require.

Account of  
sum lent  
shall be stat-  
ed in the  
certificate of  
archbishop,  
&c. to charge  
the successor

VII. Provided always, and be it further enacted, that such sum or sums of money as shall be lent and advanced to any incumbent, by virtue of this act, shall be distinguished and mentioned apart, in the usual certificate to be given by any archbishop or bishop, by virtue of the acts now in force, to enable an incumbent who builds to recover against his successor, from any and every sum or sums by any incumbent laid out or expended out of his own proper income, in the building of such glebe houses and offices, which would otherwise be allowed by the said certificate; and a separate and distinct portion of the said certificate shall be allotted by such archbishop or bishop, for ascertaining the expenditure of the sum so lent and advanced by the said trustees.

On avoidance  
of benefice  
before the  
whole sum  
advanced,  
successor  
shall receive  
the remain-  
der.

VIII. And be it further enacted, that in case any such benefice, parish, or union shall become void, by death or otherwise, before all the sums agreed to be advanced by the said trustees for building thereon shall have been actually advanced by the said trustees, then and in such case, the successor shall be entitled to receive the remainder of the money so agreed to be advanced, upon giving, in proportion to the money remaining to be advanced, the like security that had been given by his predecessor, by bond to the king's most excellent majesty; the penalty of which bond shall be recovered in manner hereinbefore declared and enacted with respect to the recovery of the penalty of the bond so given by his predecessor; and the money so advanced shall also be charged on the benefice, parish, or union, in the same manner as the money advanced to the first incumbent, and shall also be recoverable in like manner.

Plan and  
estimate of  
buildings  
shall be ap-  
proved by  
ordinary, and  
security given  
to apply  
the sum ad-  
vanced; or a  
certificate of  
the expense  
actually in-  
curred, &c.

IX. Provided always, that no money shall be advanced by the said trustees, for the purposes aforesaid, until a plan for the proposed buildings and improvements shall have been approved of by the ordinary of the diocese, and an estimate made of the expense thereof, and until security shall have been given, by bond of one or more surety or sureties, in sufficient penalties for the due application of the money so to be advanced, in making and completing such buildings, or for refunding to the trustees so much as shall not have been actually so expended thereon during the incumbency of such incumbent, or within two years after such money shall have been advanced, unless the said trustees shall think fit not to require such security; and then and in such case, no money shall be advanced by the said trustees to such incumbent but upon certificate of the incumbent or incumbents of one or more benefices, parishes, or unions of parishes adjoining or near to such benefice, parish, or union, that a sum has been actually expended in making the buildings agreed to be made, equal to the sum from time to time required to be advanced; and then it shall be at the option of the said trustees either to pay such money to the incumbent, or to apply the same in discharge of the expenses actually incurred in such buildings.

Incumbent  
shall keep  
buildings in-  
sured.

X. Provided also, that the incumbent for the time being shall annually, at his own expense, until the last instalment shall be paid, keep the buildings on which such money so lent and advanced shall have been expended, regularly insured against fire at some public

insurance office in *Great Britain* or *Ireland*, to the full amount at least of the sum so lent and advanced; and in default thereof, the ordinary shall have power in each year to sequester the profits of the benefice, parish, or union, until such insurance shall be made.

XI. And be it further enacted, that nothing herein contained shall extend, or be construed to extend, to limit or restrain the power now vested by law in the said trustees and commissioners to grant or give any sum or sums of money gratuitously to any incumbent, for the purpose of enabling or assisting him to build, repair, or improve any glebe house in or upon the benefice, parish, or union of which he shall be incumbent, whether such incumbents shall or shall not have received a loan to be in part applied to the said purposes from the said trustees and commissioners under and by virtue of the authority of this act: nor to obstruct, annul, make void, or alter the laws now in force for building, repairing, and improving glebe houses, or any of them, save as hereinbefore mentioned; but that incumbents, in case they shall think proper to proceed under and according to the said laws, may do so, in the same manner as if this act had not been made.

This act shall not obstruct or alter the laws now in force for building glebe houses.

XII. And be it further enacted, that in case the said trustees shall think fit to advance any sum of money for the purposes aforesaid, and in manner aforesaid, and to require interest at the lawful rate, or any less rate, to be paid for the same, from the time of advancing the said sum, or any other time, until repayment thereof, it shall be lawful for them so to do, any thing in this act to the contrary notwithstanding; and in such case, the repayment to be made by the successor shall be made at such times as the same would have been to be made if the money so advanced and lent had been advanced by the incumbent thereof, under the laws now in force, or which shall be then in force for that purpose.

Board may require interest, if they shall think fit.

XIII. And be it further enacted, that no act shall be done by the said commissioners and trustees of first fruits, under or by virtue or in performance of this act, or any of the provisions therein contained, unless four of the said trustees (of whom the lord chancellor of *Ireland*, or if there shall not be a lord chancellor, the lord keeper of the great seal of *Ireland*, or the first commissioner of the great seal of *Ireland*, for the time being, or one of the lords archbishops of *Ireland*, shall be always one), shall be present at the doing of such act.

No act shall be done unless four trustees shall be present at the board.

43 GEORGE 3, CAP. 158.—*An act for granting to his majesty the sum of fifty thousand pounds, for building glebe houses in Ireland.*—

Most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of the united kingdom of *Great Britain* and *Ireland*, in parliament assembled, having resolved to grant to your majesty a sum not exceeding fifty thousand pounds *Irish* currency to be advanced by the lord lieutenant or other chief governor or governors of *Ireland*, to the trustees and commissioners of the first fruits in *Ireland*, for the purpose of enabling the incumbents of benefices and parishes more speedily to build glebe houses; do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons,

Lord lieutenant may order £50,000 Irish currency to be issued out of Irish consolidated fund to the commissioners of first fruits to be advanced on loan to incumbents under 43 G.3, c. 106.

in this present parliament assembled, and by the authority of the same, that by or out of such monies as shall at any time or times be or remain in the receipt of the exchequer of *Ireland*, of the consolidated fund, after paying or reserving sufficient to pay all such sum or sums of money as have been directed by any former act or acts of parliament to be paid out of the same), there shall and may be issued by the order of the lord lieutenant, or other chief governor or governors of *Ireland*, as he or they shall think fit, from time to time, free of interest, any sum or sums of money not exceeding fifty thousand pounds *Irish* currency, to the said trustees and commissioners of the first fruits in *Ireland*, to be by the said trustees and commissioners advanced on loan to incumbents of parishes or benefices in *Ireland*, in such manner and according to such directions and subject to such provisions as are contained in an act of this session of parliament, intituled *an act to enable the commissioners of first fruits in Ireland to lend certain sums of money (interest free) to incumbents of benefices there, for the purpose of enabling them to erect and purchase glebe houses and offices convenient for their residence; and to purchase glebe lands fit and convenient for the erection of such houses and offices; and to make provision for the repayment of all loans so to be made by the said commissioners; and the lord high treasurer of Ireland, or the commissioners of his majesty's treasury in Ireland, or any three or more of them for the time being, is or are hereby authorized to issue the same accordingly.*

Securities for repayment by trustees shall be taken as the treasury, &c. shall direct.

II. And be it further enacted, that all such sum or sums of money as shall be so issued shall be advanced to the said trustees and commissioners, upon such securities, and shall be repayable into his majesty's exchequer in such proportions, at such times, and in such manner, as the said lord high treasurer, or the commissioners of the treasury of *Ireland*, or any three or more of them for the time being, with the approbation of the lord lieutenant, or other chief governor or governors of *Ireland* for the time being, shall direct and appoint.

47 GEORGE 3, SESS. 2, CAP. 23.—*An act to amend an act, passed in the forty-third year of his present majesty, for granting to his majesty the sum of fifty thousand pounds for building glebe houses in Ireland.*—

43 G.3, c. 158.

Whereas by an act, passed in the forty-third year of the reign of his present majesty, intituled *an act for granting to his majesty the sum of fifty thousand pounds, for building glebe houses in Ireland*, it is enacted, that by or out of such monies as shall at any time or times be or remain in the receipt of the exchequer of *Ireland* of the consolidated fund, there shall and may be issued, by the order of the lord lieutenant, or other chief governor or governors of *Ireland*, as he or they shall think fit from time to time, free of interest, any sum or sums of money, not exceeding fifty thousand pounds *Irish* currency, to the trustees and commissioners of the first fruits in *Ireland*, to be by the said trustees and commissioners advanced on loan to incumbents of parishes or benefices in *Ireland*, in such manner, and according to such directions, and subject to such provisions as are

43 G.3, c. 106.

contained in an act, passed in the same year, intituled *an act to enable the commissioners of first fruits in Ireland to lend certain sums of money (interest free) to incumbents of benefices there, for the purpose of enabling them to erect and purchase glebe houses and offices convenient*

for their residence; and to purchase glebe lands fit and convenient for the erection of such houses and offices; and to make provision for the repayment of all loans so to be made by the said commissioners; and that all such sum or sums of money as should be so issued, should be advanced to the said trustees and commissioners upon such securities, and should be repayable into his majesty's exchequer in such proportions, and at such times, and in such manner, as the lord high treasurer or the commissioners of the treasury of *Ireland*, or any three or more of them, for the time being, with the approbation of the lord lieutenant or other chief governor or governors of *Ireland* for the time being, should direct and appoint: and whereas no part of the said sum of fifty thousand pounds has been since issued: and whereas it is expedient to amend the said first recited act: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of the said act as directs the manner of issuing the said sum of fifty thousand pounds, and the conditions of advancing the same, shall be and the same is and are hereby repealed.

So much of 43 G. 3, c. 158, as directs the manner and conditions of issuing of £50,000 repealed.

II. And be it further enacted, that so often as the said trustees and commissioners of the first fruits in *Ireland*, shall certify by writing under their common seal, to the lord high treasurer, or the commissioners for executing the office of lord high treasurer, that they the said commissioners and trustees have taken any security pursuant to the provisions of the said secondly recited act, specifying the amount thereof, for the building and erection or the purchase of a glebe house and offices, or for the purchase of glebe lands fit and convenient for the erection of such house and offices, and shall send with such certificate an attested copy of such security, together with a statement of the sum which they the said commissioners and trustees require to be advanced on account thereof; it shall and may be lawful for the said lord high treasurer, or for the said commissioners for executing the office of lord high treasurer, to advance and pay to the said trustees and commissioners of the first fruits, out of the consolidated fund of *Ireland*, the net sum contained and specified in such certificate and statement as necessary for the aforesaid purpose, without any further or other warrant or authority whatsoever to be had in that behalf: provided always, that the money so advanced by the said lord high treasurer, or commissioners for executing the office of lord high treasurer, shall not in the whole amount at any time to more than the sum of fifty thousand pounds.

Irish treasury on certificate of trustees and commissioners of first fruits in *Ireland*, empowered to advance money for glebe houses, &c.

III. And be it further enacted, that the said trustees and commissioners of the first fruits, at the end and expiration of six months, after they shall have received the whole of any sum, for the repayment of which they shall have taken such security as aforesaid, shall repay into his majesty's treasury of *Ireland*, the whole amount of such sum so advanced to the said trustees and commissioners, on their certificate of such security having been taken; and that if the said trustees and commissioners shall deem it advisable and expedient to apply the amount of such money so repaid, in further execution of the purposes enacted in the said secondly recited act of

Money so advanced shall be repaid by the trustees to the treasury, and may be from time to time applied in further execution of the purposes of 43 G. 3, c. 106.

the forty-third year of his majesty's reign, it shall and may be lawful for the said lord high treasurer, or commissioners for executing the office of lord high treasurer, to advance and pay to the said commissioners and trustees, the whole or any part of the sum or sums so repaid, on like certificate and copy of the security, and in like manner as is hereinbefore enacted; and so from time to time as often as any sum or sums shall be so repaid, so long as any part of the said sum of fifty thousand pounds, or of any repayment made on account thereof, shall remain and be unapplied by the said commissioners and trustees to the purposes of the said recited acts, and this present act.

48 GEORGE 3, CAP. 65.—*An act to make more effectual provision for the building and rebuilding of churches, chapels, and glebe houses, and for the purchase of glebe lands, glebe houses, and impropriations, in Ireland.*—See Title—"CHURCH BUILDING, IRELAND," vol. ii. p. 179.

Where any incumbent does not reside nine months in the year, the bishop, &c. shall issue a monition to him to reside.

48 GEORGE 3, CAP. 66.—*An act for enforcing the residence of spiritual persons on their benefices in Ireland.*—Whereas it is expedient that more effectual provisions should be made for enforcing the the residence of spiritual persons on their benefices in *Ireland*; may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every case in which it shall appear to any bishop or archbishop of that part of the united kingdom of *Great Britain* and *Ireland* called *Ireland*, that any spiritual person having or holding any benefice, donative, perpetual curacy or parochial chapelry within the diocese of such bishop or archbishop respectively, having no lawful cause of absence from the same, does not in the whole reside for the space of nine calendar months within the year on the same respectively, it shall be lawful for such bishop or archbishop to issue or cause to be issued a monition to such spiritual person forthwith to proceed to and reside thereon, and perform the duties thereof, and to make a return to such monition within a certain number of days after the issuing thereof, so as that in every such case there shall be thirty days between the time of delivering such monition to such spiritual person, or leaving the same at his then usual or last place of abode, or if not there to be found, or if he shall be absent from the diocese, with the officiating minister or one of the churchwardens, and also at the house of residence (if any such there be) belonging to such benefice, donative, perpetual curacy or parochial chapelry to which any such spiritual person shall be required by such monition to proceed and reside thereon, and on the proctor, manager or collector of the tithes of such spiritual person (if any such there be), and the time specified in such monition for the return thereto; and every such monition shall immediately on the issuing thereof be filed in the registry of such diocese, and open for inspection on the payment of one shilling and no more; and the spiritual person to whom any such monition shall be sent under this act, shall within the time specified for that purpose make a return thereto; and it shall be lawful for the bishop or archbishop to whom any such return shall be made, to require such return or any facts contained therein to be verified by the oath of such spiritual person

Returns shall be made to monitions; on oath if required.

or others, to be taken before some surrogate or master extraordinary in chancery, which oath any such surrogate or master extraordinary in chancery is hereby authorized and required to administer on application being made for that purpose: and in every case where no such return shall be made, or where such return shall not state such reasons as shall be deemed satisfactory by such bishop or archbishop for the non-residence of the spiritual person to whom such monition shall have been sent as aforesaid, or where the same or any of the facts contained therein shall not be so verified on oath as aforesaid, when the same shall have been required, then and in such case it shall be lawful for such bishop or archbishop to issue an order in writing under his hand and seal, to require such person to proceed to and reside as aforesaid, within thirty days after such order in writing or a copy thereof shall have been delivered or left in like manner as is hereinbefore required as to monitions; and in case of non-compliance it shall be lawful for such bishop or archbishop to sequester the profits of such benefice, donative, perpetual curacy and parochial chapelry of such spiritual person as aforesaid, until such order shall be complied with, or such sufficient reasons for non-residence stated and approved as aforesaid; and to direct by any order to be made for that purpose under his hand, the application of such profits after deducting the necessary expenses of serving the cure, either in the whole or in such proportion as he shall think fit, in the first place to the payment of such reasonable expenses as shall have been incurred in relation to such monition and sequestration; and in the next place towards the augmentation or improvement of any such parsonage, vicarage, donative or perpetual curacy, or the house of residence thereof, or any of the buildings or appurtenances thereof, or towards the improvement of any of the glebe or demesne lands thereof; or may order or direct the same or any portion thereof to be paid to the trustees and commissioners of the first fruits payable out of ecclesiastical benefices in that part of the united kingdom of *Great Britain and Ireland* called *Ireland*, to be applied for the purpose of the augmentation of the funds vested in the said trustees and commissioners; and it shall also be lawful for such bishop or archbishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to any such spiritual person any part or proportion of such sequestered profits, or cause the same or any part thereof that shall have been paid or directed to be paid to such trustees and commissioners of the first fruits, to be repaid to such spiritual person, which repayment the said trustees and commissioners are hereby authorized and required, upon an order under the hand of any such bishop or archbishop, to make, out of any money then in their hands, or if no money shall then be in their hands, out of the next money that shall come to their hands, in any case in which by reason of the subsequent obedience of any such spiritual person to any such monition or order, or the stating and proving such sufficient reasons as aforesaid, such bishop or archbishop shall think the same proper: provided always, that when any such spiritual person shall think himself aggrieved by reason of any such sequestration issued by any bishop it shall be lawful for any

Where returns shall not be made, or shall not be satisfactory, the bishop may order residence, and if disobeyed may sequester the profits of the benefice, and direct the application thereof.

Appeal against sequestrations may be made

to the arch-  
bishop.

such spiritual person, within thirty days after the making any order for any such sequestration, as aforesaid, and upon such notice thereof to be served in like manner as the monition hereinbefore directed, to appeal to the archbishop of the province to which such bishop shall belong, who shall forthwith, either by himself or some commissioner or commissioners appointed from among the bishops of his province for that purpose, under his hand and seal, make or cause to be made due inquiry into the same, and make such order therein or relating thereto, or to the profits that shall be so sequestered as aforesaid, for the return to such spiritual person of the same or any part thereof, or otherwise as shall, under all the circumstances of the case, appear to such archbishop (after such inquiry made by himself or by his commissioner or commissioners, and in the latter case after the substance of such inquiry shall have been returned in writing to the said archbishop) to be just and proper: provided always, that the party so appealing shall give security to the bishop for the payment of such reasonable expenses occasioned by the appeal, as the archbishop or his commissioner or commissioners shall award: provided always, that no such order for any sequestration shall be put in force during such appeal as aforesaid, and until the same shall be determined.

Appellant  
shall give  
security.

Persons re-  
turning to  
residence on  
monition  
shall pay the  
costs: or  
suffer se-  
questration.

II. Provided also, and be it further enacted, that every spiritual person to whom any such monition or order in writing shall be sent as aforesaid under this act, who shall at the time of issuing thereof be absent from residence in or upon his benefice, his donative, perpetual curacy or parochial chapelry, contrary to the provisions of this act, but who shall in obedience to such monition or order forthwith return to due residence, and the profits of whose benefice, donative, perpetual curacy or parochial chapelry, shall by reason of such return not be sequestered, shall nevertheless pay all costs, charges, and expenses incurred by reason of the issuing and serving such monition or order; and if such costs, charges, and expenses shall remain unpaid for the period of twenty days after demand thereof from the person liable to the payment thereof, or left in writing at his usual or last place of abode, it shall be lawful for such archbishop or bishop respectively, to cause the same to be recovered by sequestration of the profits of the benefice, donative, perpetual curacy or parochial chapelry of such spiritual person as aforesaid, which sequestration such bishop and archbishop are respectively hereby empowered to issue.

If any person  
returning to  
residence on  
monition  
shall before  
six months  
thereafter  
absent him-  
self for one  
week, the  
bishop may,  
without  
monition,  
sequester the  
benefice.

III. And, to the intent effectually to enforce *bona fide* residence according to the intent and meaning of such monitions and orders as aforesaid; be it further enacted, that if any spiritual person having no lawful cause of absence from his benefice, donative, perpetual curacy or parochial chapelry, who after such monition or order as aforesaid requiring his residence, and before or after any such sequestration as aforesaid, shall, in obedience to such monition or order, have begun to reside upon his benefice, donative, perpetual curacy or parochial chapelry, shall afterwards and before the expiration of six months next after the commencement of such residence, in the judgment of such bishop or archbishop, and without his leave, wilfully absent himself for one week from such benefice,

donative, perpetual curacy or parochial chapelry, it shall be lawful for such bishop or archbishop, without issuing any other monition, or making any other order again, to sequester and apply the profits of such benefice, donative, or perpetual curacy as is before directed by this act, for the purpose of enforcing the residence of such spiritual person according to the true intent of the original monition issued by such bishop or archbishop as aforesaid; and it shall be lawful for the archbishop or bishop so to proceed in like cases from time to time as often as occasion may require: provided that in each and every of such cases such spiritual person shall be entitled to appeal against such sequestration, in such manner and upon such terms as hereinbefore is and are mentioned touching appeals respecting sequestrations; but nevertheless the same shall be in force during such appeal.

[See s. 1.]

IV. And be it further enacted, that if any spiritual person shall continue under any sequestration made under the provisions of this act, for non-residence for the space of three years, or shall under the provisions of this act incur three sequestrations in the said space of three years, not being relieved with respect to any of such sequestrations upon appeal, the benefice, donative, perpetual curacy or parochial chapelry, in relation to non-residence upon which such sequestration shall have been made, shall become *ipso facto* void, and the patron entitled to present or nominate some clerk thereto, shall present or nominate some clerk thereto other than the clerk who shall have so continued under such sequestration or sequestrations, as if the same had been avoided by the natural death or resignation of the party.

If sequestration continues three years, or three sequestrations are incurred in that period, benefice shall become void.

V. And be it further enacted, that all contracts and agreements made after the passing of this act for the letting of houses of residence, or the buildings, gardens, orchards and appurtenances necessary for the convenient occupation of the same, belonging to any benefice, donative, perpetual curacy or parochial chapelry (to which houses of residence any spiritual persons shall be required by order of the archbishop or bishop as aforesaid to proceed and to reside therein, a copy of which order shall immediately on the issuing thereof be transmitted to one of the churchwardens of the parish, and be by him forthwith served on the occupier of such house of residence or left at the same, and which such churchwarden is hereby required to serve accordingly) shall be null and void; and any person continuing to hold any such house of residence, or any such building, garden, orchard or premises, after the day on which the said spiritual person shall be directed by the said order to reside in such house of residence, and after service of such copy as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the archbishop or bishop in writing for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard or premises, to be recovered by action of debt, bill, plaint or information, in any of his majesty's courts of record at Dublin, wherein no essoin, privilege, protection or wager of law, or more than one imparlance shall be allowed; and the whole of every such penalty or forfeiture shall go and be paid to the person or persons who shall inform and sue for the same, together with such costs

Contracts, after passing this act for letting houses in which incumbents by order of the bishop shall be required to reside, shall be void: and persons holding possession after the day appointed shall be subject to the penalty of forty shillings per day.



Contracts made before passing this act.

of suit as shall be allowed according to the practice of the court in which such action shall be brought: but in cases of such contracts or agreements made before the passing of this act the person holding and occupying under any such contract or agreement, shall not be liable to any penalty or forfeiture for three calendar months, to be computed from the service of the copy of such order of the archbishop or bishop as aforesaid upon such occupier, or at such house of residence as aforesaid, and sequestration shall not issue for disobedience to the order of the archbishop or bishop for three calendar months, to be computed from the service of the copy of the said order, at the expiration of which time it shall be lawful for the archbishop or bishop to issue sequestration, and from and after the expiration of which time the party continuing to hold any such house, building, garden, orchard, premises or appurtenances as aforesaid, shall forfeit the sum of forty shillings for every day he shall wilfully continue without such permission in writing as aforesaid to hold the same or any of them, to be recovered and applied in the like manner as aforesaid.

Incumbents not liable to penalties for non-residence during occupation by tenants.

VI. Provided always, and be it further enacted, that no spiritual person shall be liable to any penalties under this or any former act, for not residing in such house of residence, during such time as such tenant shall continue to occupy such house of residence and other buildings necessary to the occupation of the same.

Act shall extend to all dignities, prebends, benefices, &c.

VII. And be it further enacted, that from and after the passing of this act all and every the clauses, provisions, penalties and forfeitures in this act contained in relation to residence, or to any other matters or things relating thereto, shall extend and be deemed and construed to extend to all dignities, prebends, benefices, donatives, perpetual curacies, and all parochial chapelries, exempt as well as not exempt, and all peculiars, as fully and amply to all intents and purposes as if the same had been and were in this act particularly mentioned and specified; any thing in any act or acts, law or laws to the contrary thereof notwithstanding.

Archbishop, bishop, and archdeacon, within whose respective provinces, diocese, or jurisdiction any benefice, &c. exempt, shall be locally situate, shall have the same powers as if such benefice were not exempt; and where any such benefice, &c. shall be situate in more than one province, &c., or between the limits of two, the archbishop or bishop, to whose cathedral the parish church shall be nearest, shall have the like powers, &c., all peculiars shall be subject to the archbishop or bishop to whom they belong. Sec. 8. [*Verbatim as sec. 39, of 43 Geo. 3, c. 84, respecting the residence of the clergy in England.*]

Saving for the king's prerogative in granting dispensations.

IX. Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to alter or affect his majesty's royal prerogative in granting of dispensations for non-residence upon benefices, as the same now exists by law.

Sinecure livings exempted from this act.

X. Provided always, and be it further enacted, that no personage that hath a vicar endowed or perpetual curate, and having no cure of souls shall be taken to be or be comprehended under the name of benefice, within the true intent and meaning or for the purposes of this act.

XI. And be it further enacted, that nothing in this act contained shall extend or be construed to extend to exempt any person or persons from any canonical or ecclesiastical censures, or affect any proceedings that shall hereafter be instituted in any ecclesiastical court, in order to cause the same to be inflicted in relation to the non-residence of any spiritual person having or holding any benefice, donative, perpetual curacy or parochial chapelry, not having any lawful cause of absence therefrom: provided always, that from and after the passing of this act no such censures by reason of any non-residence, not exceeding three months in any one year, shall be put in force; nor shall any proceedings be admitted in any ecclesiastical court against any such spiritual person for such non-residence not exceeding three months in any one year, at the suit or instance of any person or persons other than the archbishop, bishop, or archdeacon only of the diocese and archdeaconry, within which such benefice, donative, perpetual curacy or parochial chapelry, in respect whereof such non-residence shall have taken place, shall be locally situated: any thing in any law or laws, or ecclesiastical canon or canons to the contrary thereof notwithstanding.

Act shall not exempt from ecclesiastical censures for non-residence: but no such censure shall be enforced for less than three months non-residence; nor except at the suit of the ordinary.

XII. Provided always, and be it further enacted, that nothing in this act contained shall extend or be construed to extend to or in any manner to affect any master or preacher of hospitals or incorporated charitable foundations, during the period for which he may be required to reside by any charter or statute of any such hospital or incorporated charitable foundation, or by any other lawful authority, in the same, and shall actually reside and perform the duties therein; or the chancellor or vicar general, or surrogate or official in any ecclesiastical court of any diocese, whilst they are residing in the places where their respective offices are exercised; or any chaplain or chaplains of the lord lieutenant or any other chief governor of that part of the said united kingdom called *Ireland*, provided, that every such chaplain shall have a certificate from the lord lieutenant or his chief secretary that he is resident in *Dublin*, or near the person of the lord lieutenant, and is occupied by the duty of his office as such chaplain; or the provost or fellows of Trinity college, *Dublin*, or any professor or public officer in the university of *Dublin*, during the period for which he may be required by reason thereof to perform the duties of any such office, and actually shall perform the duties of the same; or to any schoolmaster of any school founded and endowed by his majesty or any of his royal predecessors, or to any diocesan schoolmaster, during such time as such schoolmaster shall actually reside at such school and perform the duties of a schoolmaster therein.

Exception for masters of hospitals, and certain other ecclesiastical persons.

XIII. Provided always, and be it further enacted, that nothing in this act or in any former act shall extend or be construed to extend to exempt from residence any person on account of any office or employment whatever except as hereinbefore excepted.

Exemptions specified only allowed.

XIV. And for the purpose of removing all doubts, be it further enacted, that no archbishop or bishop having or who shall have any dignity, prebend, benefice, donative or perpetual cure, shall, by reason of non-residence upon the same, be subject or liable to any penalties or forfeitures.

Archbishops and bishops exempted.

Chaplains of  
peers,

XV. Provided always, that nothing in this act contained shall be construed to affect any privileges of the peers of *Ireland* respecting chaplains.

and of arch-  
bishops and  
bishops.

XVI. Provided also, that nothing herein contained shall be construed to affect any privileges of the archbishops or bishops of *Ireland* respecting chaplains.

On or before  
25 March  
1809, and so  
annually a  
return shall  
be made to  
the king in  
council of  
every bene-  
fice, &c. and  
the incum-  
bents not  
having resid-  
ed thereon.

XVII. And be it further enacted, that on or before the twenty-fifth day of *March* one thousand eight hundred and nine, and at the like period in every succeeding year, a return or returns shall be made to his majesty in council, by every archbishop and bishop of the names of every dignity, prebend, benefice, donative, perpetual curacy, and parochial chapelry, in their respective dioceses, or subject to their respective jurisdictions, by virtue of this act, and the names of the several persons possessing the same, who shall not have resided thereon by reason of any exemption under or by virtue of this act, or any other act, or by reason of any permission or licence granted by the lord primate of all *Ireland*, or by any archbishop or bishop respectively, for any and what cause, and also of all the persons possessing the same, not having any such exemption, permission, or licence, who shall not have resided on such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, so far as such archbishop or bishop is informed thereof.

Commence-  
ment of pe-  
nalties 1 Aug.  
1808.

XVIII. Provided also, that no forfeiture or penalty shall be incurred under or by virtue of this act, for any act of non-residence committed prior to the first day of *August* one thousand eight hundred and eight.

49 GEORGE 3, CAP. 103.—*An act to amend an act made in the last session of parliament, for making provision for the building and rebuilding of churches, chapels, and glebe houses in Ireland.*—Whereas by an act made in the last session of parliament, intituled *an act to make more effectual provision for the building and rebuilding of churches, chapels and glebe houses, and for the purchase of glebe lands, glebe houses, and impropriations in Ireland*, it was among other things enacted, that on application made to the trustees and commissioners of first fruits in *Ireland*, in manner in the said act mentioned concerning the erecting of any new church or chapel or the rebuilding of any church or chapel in any parish or place in *Ireland*, it should be lawful for the said trustees and commissioners to advance to the parties making such application, out of the monies and funds entrusted to their care, the whole or any part of the sum or sums of money to be applied in the erection or rebuilding of such church or chapel; and that if the said trustees and commissioners should be of opinion that it was fitting that any sum of money so advanced, or any part thereof, should be advanced by way of loan to and should be repaid by any parish, it should be lawful for the said trustees and commissioners to require and take security by bond for the repaying of such money so advanced, in manner and at the times in the said act mentioned; and that every bond for money advanced by the lord high treasurer or commissioners of the treasury of *Ireland*, by virtue of the said act should be made payable to his majesty, his heirs and successors; and if such sum of money should not be duly paid, the said bonds should be put in suit under the orders of the said lord

48 G. 3; c. 65.

Sec. 3.

Sec. 4.

Sec. 8.

high treasurer, or commissioners of the treasury, or any three of them; and whereas the inconvenience resulting to individuals from the entering into the bonds and securities required by the said recited act may obstruct the attainment of the beneficial effects of the said act; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, whenever any sum or sums of money whatever shall be advanced by the said trustees and commissioners by way of loan, and to be repaid by the parish or place in which any church or chapel so to be erected or rebuilt shall be erected or situate, whether such money shall be advanced by the said trustees and commissioners out of any money to be advanced to them by the said lord high treasurer or commissioners of the treasury, or out of any other funds in the hands, power, custody, possession or disposal of the said commissioners and trustees, it shall not be necessary for the said commissioners and trustees to require and take any such security by bond as in the said act is mentioned for the repayment of any such sum or sums of money so advanced, or any part or proportion thereof, any thing in the said recited act, or in any other act or acts in force in *Ireland*, to the contrary in anywise notwithstanding.

Where loan of money shall be advanced by the trustees and commissioners of first fruits, no security or bond for the repayment shall be required.

II. And be it further enacted, that from and after the passing of this act, whenever the minister and churchwardens, or any two protestant inhabitants of any parish or place in *Ireland*, in which it shall be proposed and intended that any church or chapel shall be erected or rebuilt, shall have made application in manner directed by the said recited act, to the said trustees and commissioners for the advancing of any money for such purpose, and the said trustees and commissioners shall have signified their intention of advancing any sum or sums of money for such purpose, and shall be of opinion that it is fitting and expedient that such sum or sums of money, or any part thereof, should be advanced by way of loan to, and should be repaid by such parish or place, then and in such case in the place and stead of any bond or security being taken by the said trustees for the repayment of such sum of money, or any part thereof, it shall and may be lawful for the inhabitants of any such parish or place, assembled at a vestry duly summoned and called, upon seven days notice at least, to make an assessment upon such parish or place, of a sum equal to the whole sum so to be advanced by way of loan, to be repaid by instalments in seventeen successive years.

Instead of security or bond for money advanced for the building of any church, the parishioners may make an assessment of the whole sum to be raised in seventeen years by annual instalments.

III. And be it further enacted, that it shall and may be lawful for every such vestry to assess upon such parish or place the whole sum so to be advanced by way of loan, to be raised, levied, and paid in manner and at the times following, that is to say, six pounds *per centum* of the sum so advanced and to be repaid, shall be so raised and paid by such parish, on or before the first day of *July* next after the expiration of one year from the day on which such sum shall be so advanced; six pounds *per centum* more of such sum on or before the first day of *July* in every succeeding year, until ninety-six pounds *per centum* of the sum so advanced and to be repaid shall be so raised and paid by such parish; and the remaining four pounds *per*

Mode of raising such annual instalments by assessment.

*centum* of such sum on or before the first day of *July* in the year succeeding that in which the last instalment of six pounds *per centum* shall have been paid as before mentioned; and that the amount of the said annual instalments, or sum or sums of money, shall be a charge on such parish or place, and shall, without further authority, be from time to time applotted, levied, and raised without further assessment in such parish or place, in such manner, and with all such powers and remedies for the applotting, raising, and levying of the same in all respects as is or are provided for the applotting, raising, and levying of any sum or sums of money, rate, parish assessment, cess, or tax, for repairing, building, or rebuilding of any church or chapel, or other necessary charges belonging to such church or chapel, under or by virtue of the said recited act of the last session, or of any other act or acts in force in *Ireland* at the time of the passing of this act; and that all churchwardens and vestries shall have the like power to assess all parishes and places, and to applot and levy such assessments, and be accountable for the same, and to do all matters and things for the assessing such sums, or for applotting, raising, and levying of such annual instalments or sums so to be payable as aforesaid in all respects whatsoever, as they now have respectively touching or concerning any rate or rates, sum or sums of money, parish cess or tax, for the repairing, building, or rebuilding of any church or chapel, or any other necessary charge belonging to such church or chapel, under or by virtue of any such act or acts as aforesaid.

On certificate of the ordinary, of such assessments, &c. trustees shall advance the money required.

IV. And be it further enacted, that a certificate signed by the churchwardens, or two protestant inhabitants of any such parish or place, that such assessment had been made in and for such parish or place, shall be forthwith transmitted to the ordinary of the diocese; and upon such certificate, together with the approbation of the said ordinary, being by the said ordinary transmitted to or laid before the said trustees and commissioners of first fruits, it shall and may be lawful for the said trustees and commissioners forthwith to advance and pay to the persons applying under the said recited act, out of any monies or funds entrusted to the care of the said trustees and commissioners such sum or sums of money as they shall have previously signified to be in their opinion fit and proper to be applied in the erection or building of any such church or chapel respectively, in manner hereinbefore mentioned.

Instalments shall be received by churchwardens, and then paid to trustees, and thence to the treasury, &c.

V. And be it further enacted, that all and every such instalment and sum or sums of money so to be raised by any such parish or place as aforesaid shall be paid to the churchwardens of such parish or place, and shall by such churchwardens, within twenty-one days after the first day of *July* in every year, be paid to the said trustees and commissioners of first fruits; and in case the money so advanced by such trustees and commissioners shall have been advanced by them out of any money advanced to them by the lord high treasurer or commissioners of the treasury of *Ireland*, such sum and sums of money shall, by the said trustees and commissioners, be paid into the receipt of the exchequer of *Ireland*, within one month after the receipt thereof, by the said trustees and commissioners; and such money may be again advanced to the said trustees and commissioners

by the said lord high treasurer or commissioners of the treasury, for the purposes of the said recited act, in manner and under the regulations mentioned and contained in the said recited act.

VI. And be it further enacted, that in case default shall be made in the raising or payment of the said instalments, or sum or sums of money, or any of them, by the said parish or place, or by the said churchwardens, to the said trustees and commissioners of first fruits, and any such instalment or sum or sums of money shall be behind and unpaid, and not duly raised, paid, and satisfied to the said trustees and commissioners, before the expiration of twenty-one days after the first day of *July*, in any year wherein the same ought to be so paid as aforesaid; it shall and may be lawful for the bishop of the diocese in which such parish or place shall be situate, and he is hereby authorized and required to nominate and appoint some fit and proper person or persons to levy such instalment or sum or sums of money as shall be so due and unpaid, together with interest for the same, at and after the rate of six pounds *per centum per annum*, from the day on which the same ought to have been paid, until the same shall be actually paid, and a further sum after the rate of ten pounds *per centum* on the amount of such instalment, or sum of money so payable, which said sum after the rate of ten pounds *per centum*, shall and may be received and retained by such person or persons so to be nominated and appointed, for his or their pains and trouble, in levying and recovering of the said instalment, and all and every person or persons who shall be so nominated and appointed for the purpose aforesaid, shall have, use, and exercise, all such powers and authorities, for the levying and raising such instalment, and sum and sums of money, as the churchwardens of such parish or place, or any other person or persons lawfully might or could have, use, and exercise, for the levying and raising such instalment, or any parish rate or assessment under this act, or any other act or acts, and such person or persons shall pay over and account for all such instalments, and all sum and sums of money received by them on account of the same, or of the interest of the same as aforesaid, to the said commissioners and trustees, within twenty-one days after the receipt of the same, by such person or persons as aforesaid.

Persons having given bond for any money advanced by trustees before the passing of this act, may be discharged on application to the churchwardens, and a rate being made according to this act. Sec. 7.

VIII. And be it further enacted, that it shall and may be lawful for the lord lieutenant, or other chief governor or governors of *Ireland*, from time to time to direct the commissioners for executing the office of lord high treasurer of *Ireland*, to raise and borrow by treasury bills, at an interest of five pounds *per centum*, any sum or sums of money, not exceeding in the whole the sum of fifty thousand pounds, to be paid to the said commissioners and trustees of first fruits to be by them applied in loans towards the building or rebuilding of churches and chapels in *Ireland*, in such manner as should be directed by parliament, and the said sum of fifty thousand pounds shall be and the same is hereby granted to and vested in his majesty, to be applied from time to time to the purposes of the said

On failure of payment of instalments, within twenty-one days of 21st of July yearly, the bishop may appoint a person to levy the same, with £10 per cent. additional.

The lord lieutenant may direct the treasurer to borrow £50,000 by treasury bills to be paid to board of first fruits for building and rebuilding churches, &c.

recited act of the forty-eighth year aforesaid, and this act; and that, for the raising of the said sum of fifty thousand pounds, it shall and may be lawful for the commissioners for executing the office of lord high treasurer of *Ireland* for the time being, in consequence of any such direction from the lord lieutenant or other chief governor or governors of *Ireland*, to raise and borrow such part of the said sum of fifty thousand pounds as shall or may be necessary from time to time by the issue of treasury bills for that purpose, bearing interest at a rate not exceeding five pounds *per centum per annum*, and that the said sum of fifty thousand pounds, or so much thereof as shall from time to time be raised and borrowed as aforesaid, shall be applied to the purposes of the said recited act and this act, and shall and may be issued and paid by the said commissioners for executing the office of lord high treasurer of *Ireland*, to the said trustees and commissioners of first fruits, to be by them applied in loans towards the building and rebuilding of churches and chapels in *Ireland*, according to the rules, directions, provisions, regulations, and restrictions contained in the said recited act of the forty-eighth year aforesaid, and this act.

5 GEORGE 4, CAP. 91.—*An act to consolidate and amend the laws for enforcing the residence of spiritual persons on their benefices; to restrain spiritual persons from carrying on trade or merchandize; and for the support and maintenance of stipendiary curates, in Ireland.*—See Title—"CURATES, STIPENDIARY, IRELAND," vol. ii. p. 455.

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SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## ROMAN CATHOLIC RELIEF.

10 GEORGE 4, CAP. 7.—*An act for the relief of his majesty's Roman catholic subjects.*—Whereas by various acts of parliament certain restraints and disabilities are imposed on the *Roman catholic* subjects of his majesty, to which other subjects of his majesty are not liable: and whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued: and whereas by various acts certain oaths and certain declarations, commonly called the declaration against transubstantiation, and the declaration against transubstantiation and the invocation of saints and the sacrifice of the mass, as practised in the church of *Rome*, are or may be required to be taken, made, and subscribed by the subjects of his majesty, as qualifications for sitting and voting in parliament, and for the enjoyment of certain offices, franchises, and civil rights: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act all such parts of the said acts as require the said declarations, or either of them, to be made or subscribed by any of his majesty's subjects, as a qualification for sitting and voting in parliament, or for the exercise or enjoyment of any office, franchise, or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

Acts relating to declarations against transubstantiation repealed.

II. And be it enacted, that from and after the commencement of this act it shall be lawful for any person professing the *Roman catholic* religion, being a peer, or who shall after the commencement of this act be returned as a member of the house of commons, to sit and vote in either house of parliament respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy, and abjuration:

Roman catholics may sit and vote in parliament, on taking the following oath.

I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to his majesty king *George* the fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever, which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to his majesty, his heirs and successors, all treasons and traitorous conspiracies which may be formed against him or them: and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown, which succession, by an act, intituled *an act for the further limitation of the crown, and better securing the rights and liberties of the subject*, is and stands limited to the princess *Sophia*, electress of *Hanover*, and the heirs of her body, being protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm: and I do further declare, that it is not an article of my faith, and that I do



renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the pope, or any other authority of the see of *Rome*, may be deposed or murdered by their subjects, or by any person whatsoever: and I do declare, that I do not believe that the pope of *Rome*, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear, that I will defend to the utmost of my power the settlement of property within this realm, as established by the laws: and I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, as settled by law within this realm: and I do solemnly swear, that I never will exercise any privilege to which I am or may become entitled, to disturb or weaken the protestant religion or protestant government in the united kingdom: and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever.

*So help me God.*

The name of the sovereign for the time being to be used in the oath.

III. And be it further enacted, that wherever, in the oath hereby appointed and set forth, the name of his present majesty is expressed or referred to, the name of the sovereign of this kingdom for the time being, by virtue of the act for the further limitation of the crown and better securing the rights and liberties of the subject, shall be substituted from time to time, with proper words of reference thereto.

No Roman catholic capable of sitting or voting until he has taken the oath.

IV. Provided always, and be it further enacted, that no peer professing the *Roman* catholic religion, and no person professing the *Roman* catholic religion, who shall be returned a member of the house of commons after the commencement of this act, shall be capable of sitting or voting in either house of parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth, before the same persons, at the same times and places, and in the same manner as the oaths and the declaration now required by law are respectively directed to be taken, made, and subscribed; and that any such person professing the *Roman* catholic religion, who shall sit or vote in either house of parliament, without having first taken and subscribed, in the manner aforesaid, the oath in this act appointed and set forth, shall be subject to the same penalties, forfeitures, and disabilities, and the offence of so sitting or voting shall be followed and attended by and with the same consequences, as are by law enacted and provided in the case of persons sitting or voting in either house of parliament respectively, without the taking, making, and subscribing the oaths and the declaration now required by law.

Roman catholics may vote at elections, and be elected, upon taking the oath.

V. And be it further enacted, that it shall be lawful for persons professing the *Roman* catholic religion to vote at elections of members to serve in parliament for *England* and for *Ireland*, and also to vote at the elections of representative peers of *Scotland* and of *Ireland*, and to be elected such representative peers, being in all other respects duly qualified, upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance,

supremacy, and abjuration, and instead of the declaration now by law required, and instead also of such other oath or oaths as are now by law required to be taken by any of his majesty's subjects professing the *Roman* catholic religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any persons offering to vote at such elections.

VI. And be it further enacted, that the oath hereinbefore appointed and set forth shall be administered to his majesty's subjects professing the *Roman* catholic religion, for the purpose of enabling them to vote in any of the cases aforesaid, in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law administered; and that in all cases in which a certificate of the taking, making, or subscribing of any of the oaths or of the declaration now required by law is directed to be given, a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by law is directed to be given, and shall be of the like force and effect.

Oath shall be administered in the same manner as former oaths.

VII. And be it further enacted, that in all cases where the persons now authorized by law to administer the oaths of allegiance, supremacy, and abjuration to persons voting at elections, are themselves required to take an oath previous to their administering such oaths, they shall, in addition to the oath now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

Persons administering oaths at elections to take an oath duly to administer

VIII. And whereas in an act of parliament of *Scotland* made in the eighth and ninth session of the first parliament of king *William* the third, intituled *an act for the preventing the growth of popery*, a certain declaration or formula is therein contained, which it is expedient should no longer be required to be taken and subscribed; be it therefore enacted, that such parts of any acts as authorize the said declaration or formula to be tendered, or require the same to be taken, sworn, and subscribed, shall be and the same are hereby repealed, except as to such offices, places, and rights as are herein-after excepted; and that from and after the commencement of this act it shall be lawful for persons professing the *Roman* catholic religion to elect and be elected members to serve in parliament for *Scotland*, and to be enrolled as freeholders in any shire or stewartry of *Scotland*, and to be chosen commissioners or delegates for choosing burgesses to serve in parliament for any districts or burghs in *Scotland*, being in all other respects duly qualified, such persons always taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance and abjuration as now required by law, at such time as the said last mentioned oaths, or either of them, are now required by law to be taken.

So much of any acts as require the formula contained in 8 & 9 W. 3, c. 3, (8.) to be tendered or taken, repealed.

Roman catholics may elect and be elected members for Scotland.

IX. And be it further enacted, that no person in holy orders in the church of *Rome* shall be capable of being elected to serve in parliament as a member of the house of commons; and if any such person shall be elected to serve in parliament as aforesaid, such election shall be void; and if any person, being elected to serve in parliament as a member of the house of commons, shall, after his

No Roman catholic priest to sit in the house of commons.

election, take or receive holy orders in the church of *Rome*, the seat of such person shall immediately become void; and if any such person shall, in any of the cases aforesaid, presume to sit or vote as a member of the house of commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an act passed in the forty-first year of the reign of king *George* the third, intituled *an act to remove doubts respecting the eligibility of persons in holy orders, to sit in the house of commons*; and proof of the celebration of any religious service by such person, according to the rites of the church of *Rome*, shall be deemed and taken to be *prima facie* evidence of the fact of such person being in holy orders, within the intent and meaning of this act.

Roman catholics may hold civil and military offices under his majesty, with certain exceptions.

X. And be it enacted, that it shall be lawful for any of his majesty's subjects professing the *Roman* catholic religion to hold, exercise, and enjoy all civil and military offices and places of trust or profit under his majesty, his heirs or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing, at the times and in the manner hereinafter mentioned, the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of his majesty's subjects professing the *Roman* catholic religion.

Not to exempt Roman catholics from taking any other oaths required.

XI. Provided always, and be it enacted, that nothing herein contained shall be construed to exempt any person professing the *Roman* catholic religion from the necessity of taking any oath or oaths, or making any declaration, not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

Offices withheld from Roman catholics.

XII. Provided also, and be it further enacted, that nothing herein contained shall extend or be construed to extend to enable any person or persons professing the *Roman* catholic religion to hold or exercise the office of guardians and justices of the united kingdom, or of regent of the united kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person, otherwise than as he is now by law enabled, to hold or enjoy the office of lord high chancellor, lord keeper or lord commissioner of the great seal of *Great Britain* or *Ireland*: or the office of lord lieutenant, or lord deputy, or other chief governor or governors of *Ireland*; or his majesty's high commissioner to the general assembly of the church of *Scotland*.

Nothing herein to repeal 7 G. 4, c. 72.

XIII. Provided also, and be it further enacted, that nothing herein contained shall be construed to affect or alter any of the provisions of an act passed in the seventh year of his present majesty's reign, intituled *an act to consolidate and amend the laws which regulate the levy and application of church rates and parish cesses, and the election of churchwardens, and the maintenance of parish clerks, in Ireland*.

Roman catholics may be members of lay corporations.

XIV. And be it enacted, that it shall be lawful for any of his majesty's subjects professing the *Roman* catholic religion to be a member of any lay body corporate, and to hold any civil office or

or place of trust or profit therein, and to do any corporate act, or vote in any corporate election or other proceeding, upon taking and subscribing the oath hereby appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration; and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

XV. Provided nevertheless, and be it further enacted, that nothing herein contained shall extend to authorize or empower any of his majesty's subjects professing the *Roman* catholic religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the united church of *England* and *Ireland*, or the church of *Scotland*, being in the gift, patronage, or disposal of such lay corporate body.

Such members of corporations not to vote in ecclesiastical appointments.

XVI. Provided also, and be it enacted, that nothing in this act contained shall be construed to enable any persons, otherwise than as they are now by law enabled, to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to the united church of *England* and *Ireland*, or the church of *Scotland*, or any place or office whatever of, in, or belonging to any of the ecclesiastical courts of judicature of *England* and *Ireland* respectively, or any court of appeal from or review of the sentences of such courts, or of, in, or belonging to the commissary court of *Edinburgh*, or of, in, or belonging to any cathedral or collegiate or ecclesiastical establishment or foundation; or any office or place whatever of, in, or belonging to any of the universities of this realm; or any office or place whatever, and by whatever name the same may be called, of, in or belonging to any of the colleges or halls of the said universities, or the colleges of *Elon*, *Westminster*, or *Winchester*, or any college or school within this realm; or to repeal, abrogate, or in any manner to interfere with any local statute, ordinance, or rule, which is or shall be established by competent authority within any university, college, hall, or school, by which *Roman* catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: provided also, that nothing herein contained shall extend or be construed to extend to enable any person, otherwise than as he is now by law enabled, to exercise any right of presentation to any ecclesiastical benefice whatsoever; or to repeal, vary, or alter in any manner the laws now in force in respect to the right of presentation to any ecclesiastical benefice.

Not to extend to offices, &c. in the established church, ecclesiastical courts, universities, colleges, or schools;

nor to presentations to benefices.

XVII. Provided always, and be it enacted, that where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of his majesty, his heirs or successors, and such office shall be held by a person professing the *Roman* catholic religion, the right of presentation shall devolve upon and be exercised by the archbishop of *Canterbury* for the time being.

Proviso for presentations to benefices connected with offices.

XVIII. And be it enacted, that it shall not be lawful for any person professing the *Roman* catholic religion, directly or indirectly, to advise his majesty, his heirs or successors, or any person or persons

No *Roman* catholic to advise the crown in the

appointment  
to offices in  
the establish-  
ed church.

holding or exercising the office of guardians of the united kingdom, or of regent of the united kingdom, under whatever name, style, or title such office may be constituted, or the lord lieutenant, or lord deputy, or other chief governor or governors of *Ireland*, touching or concerning the appointment to or disposal of any office or preferment in the united church of *England* and *Ireland*, or in the church of *Scotland*; and if any such person shall offend in the premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanor, and disabled for ever from holding any office, civil or military, under the crown.

Time and  
manner of  
taking oaths  
for corporate  
offices.

XIX. And be it enacted, that every person professing the *Roman* catholic religion, who shall after the commencement of this act be placed, elected, or chosen in or to the office of mayor, provost, alderman, recorder, bailiff, town clerk, magistrate, councillor, or common councilman, or in or to any office of magistracy or place of trust or employment relating to the government of any city, corporation, borough, burgh, or district within the united kingdom of *Great Britain* and *Ireland*, shall, within one calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath hereinbefore appointed and set forth, in the presence of such person or persons respectively as by the charters or usages of the said respective cities, corporations, burghs, boroughs, or districts ought to administer the oath for due execution of the said offices or places respectively; and in default of such, in the presence of two justices of the peace, councillors or magistrates of the said cities, corporations, burghs, boroughs, or districts, if such there be; or otherwise, in the presence of two justices of the peace of the respective counties, ridings, divisions, or franchises wherein the said cities, corporations, burghs, boroughs, or districts are; which said oath shall either be entered in a book, roll, or other record to be kept for that purpose, or shall be filed amongst the records of the city, corporation, burgh, borough, or district.

Time and  
manner of  
taking oaths  
for other  
offices.

XX. And be it enacted, that every person professing the *Roman* catholic religion, who shall after the commencement of this act be appointed to any office or place of trust or profit under his majesty, his heirs or successors, shall within three calendar months next before such appointment, or otherwise shall, before he presumes to exercise or enjoy or in any manner to act in such office or place, take and subscribe the oath hereinbefore appointed and set forth, either in his majesty's high court of chancery, or in any of his majesty's courts of king's bench, common pleas, or exchequer, at *Westminster* or *Dublin*; or before any judge of assize, or in any court of general or quarter sessions of the peace in *Great Britain* or *Ireland*, for the county or place where the person so taking and subscribing the oath shall reside; or in any of his majesty's courts of session, justiciary, exchequer, or jury court, or in any sheriff or steward court, or in any burgh court, or before the magistrates and councillors of any royal burgh in *Scotland*, between the hours of nine in the morning and four in the afternoon; and the proper officer of the court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the court; and such officer shall make, sign, and deliver a certificate of

such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of two shillings and sixpence for the same; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXI. And be it enacted, that if any person professing the *Roman* catholic religion shall enter upon the exercise or enjoyment of any office or place of trust or profit under his majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath hereinbefore appointed and set forth, then and in every such case such person shall forfeit to his majesty the sum of two hundred pounds; and the appointment of such person to the office, place, or franchise so by him held shall become altogether void, and the office, place, or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

Penalty on acting in offices without taking the oath.

XXII. Provided always, that for and notwithstanding any thing in this act contained, the oath hereinbefore appointed and set forth shall be taken by the officers in his majesty's land and sea service, professing the *Roman* catholic religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

Oaths by military and naval officers

XXIII. And be it further enacted, that from and after the passing of this act, no oath or oaths shall be tendered to or required to be taken by his majesty's subjects professing the *Roman* catholic religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by his majesty's other subjects; and that the oath herein appointed and set forth, being taken and subscribed in any of the courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes, as, and shall stand in the place of, all oaths and declarations required or prescribed by any law now in force for the relief of his majesty's *Roman* catholic subjects from any disabilities, incapacities, or penalties; and the proper officer of any of the courts above mentioned, in which any person professing the *Roman* catholic religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and required to administer the said oath to such person; and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of one shilling; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

No other oaths necessary to be taken by Roman Catholics.

XXIV. And whereas the protestant episcopal church of *England* and *Ireland*, and the doctrine, discipline, and government thereof, and likewise the protestant presbyterian church of *Scotland*, and the doctrine, discipline, and government thereof, are by the respective acts of union of *England* and *Scotland*, and of *Great Britain* and *Ireland*, established permanently and inviolably: and whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in *England* as in *Ireland*, have been settled and established by law; be it therefore

Titles to sees, &c. not to be assumed by Roman Catholics.

enacted, that if any person, after the commencement of this act, other than the person thereunto authorized by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in *England* or *Ireland*, he shall for every such offence forfeit and pay the sum of one hundred pounds.

Judicial or other officers not to attend with insignia of office at any place of worship, other than established church.

XXV. And be it further enacted, that if any person holding any judicial or civil office, or any mayor, provost, jurat, bailiff, or other corporate officer, shall, after the commencement of this act, resort to or be present at any place or public meeting for religious worship in *England* or in *Ireland*, other than that of the united church of *England* and *Ireland*, or in *Scotland*, other than that of the church of *Scotland*, as by law established, in the robe, gown, or other peculiar habit of his office, or attend with the ensign or insignia, or any part thereof, of or belonging to such his office, such person shall, being thereof convicted by due course of law, forfeit such office, and pay for every such offence the sum of one hundred pounds.

Penalty on Roman catholic ecclesiastics officiating, except in their usual places of worship.

XXVI. And be it further enacted, that if any *Roman catholic* ecclesiastic, or any member of any of the orders, communities, or societies hereinafter mentioned, shall, after the commencement of this act, exercise any of the rites or ceremonies of the *Roman catholic* religion, or wear the habits of his order, save within the the usual places of worship of the *Roman catholic* religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of fifty pounds.

Not to repeal statute 5 G. 4, c. 35.

XXVII. Provided always, and be it enacted, that nothing in this act contained shall in any manner repeal, alter, or affect any provision of an act made in the fifth year of his present majesty's reign, intituled *an act to repeal so much of an act passed in the ninth year of the reign of king William the third, as relates to burials in suppressed monasteries, abbeys, or convents in Ireland, and to make further provision with respect to the burial in Ireland of persons dissenting from the established church.*

For the suppression of Jesuits and other religious orders of the church of Rome.

XXVIII. And whereas Jesuits, and members of other religious orders, communities, or societies of the church of *Rome*, bound by monastic or religious vows, are resident within the united kingdom; and it is expedient to make provision for the gradual suppression and final prohibition of the same therein; be it therefore enacted, that every Jesuit, and every member of any other religious order, community, or society of the church of *Rome*, bound by monastic or religious vows, who at the time of the commencement of this act shall be within the united kingdom, shall, within six calendar months after the commencement of this act, deliver to the clerk of the peace of the county or place where such person shall reside, or to his deputy, a notice or statement, in the form and containing the particulars required to be set forth in the schedule to this act annexed; which notice or statement such clerk of the peace, or his deputy, shall preserve and register amongst the records of such county or place, without any fee, and shall forthwith transmit a copy of such notice or statement to the chief secretary of the lord lieutenant, or other chief governor or governors of *Ireland*, if such person shall

reside in *Ireland*, or if in *Great Britain*, to one of his majesty's principal secretaries of state; and in case any person shall offend in the premises, he shall forfeit and pay to his majesty, for every calendar month during which he shall remain in the united kingdom without having delivered such notice or statement as is hereinbefore required, the sum of fifty pounds.

XXIX. And be it further enacted, that if any jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this act, come into this realm, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the united kingdom for the term of his natural life.

Jesuits, &c. coming into the realm, to be banished.

XXX. Provided always, and be it further enacted, that in case any natural born subject of this realm, being at the time of the commencement of this act a jesuit, or other member of any such religious order, community, or society as aforesaid, shall, at the time of the commencement of this act, be out of the realm, it shall be lawful for such person to return or to come into this realm; and upon such his return or coming into the realm he is hereby required, within the space of six calendar months after his first returning or coming into the united kingdom, to deliver such notice or statement to the clerk of the peace of the county or place where he shall reside, or his deputy, for the purpose of being so registered and transmitted, as hereinbefore directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to his majesty, for every calendar month during which he shall remain in the united kingdom without having delivered such notice or statement, the sum of fifty pounds.

Natural born subjects, being jesuits, may return into the kingdom and be registered

XXXI. Provided also, and be it further enacted, that, notwithstanding any thing hereinbefore contained, it shall be lawful for any one of his majesty's principal secretaries of state, being a protestant, by a licence in writing, signed by him, to grant permission to any jesuit, or member of any such religious order, community, or society as aforesaid, to come into the united kingdom, and to remain therein for such period as the said secretary of state shall think proper, not exceeding in any case the space of six calendar months; and it shall also be lawful for any of his majesty's principal secretaries of state to revoke any licence so granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such licence shall have been granted shall not depart from the united kingdom within twenty days after the expiration of the time mentioned in such licence, or if such licence shall have been revoked, then within twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the united kingdom for the term of his natural life.

The principal secretaries of state may grant licences to jesuits, &c. to come into the kingdom; and may revoke the same.

XXXII. And be it further enacted, that there shall annually be laid before both houses of parliament an account of all such licences as shall have been granted for the purpose hereinbefore mentioned within the twelve months then next preceding.

Accounts of licences to be laid before parliament.



Admitting persons as members of such religious orders deemed a misdemeanor

XXXIII. And be it further enacted, that in case any jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this act, within any part of the united kingdom, admit any person to become a regular ecclesiastic, or brother or member of any such religious order, community, or society, or be aiding or consenting thereto, or shall administer or cause to be administered, or be aiding or assisting in the administering or taking, any oath, vow, or engagement purporting or intended to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or society, every person offending in the premises in *England* or *Ireland* shall be deemed guilty of a misdemeanor, and in *Scotland* shall be punished by fine and imprisonment.

Any person so admitted a member of a religious order to be banished.

XXXIV. And be it further enacted, that in case any person shall, after the commencement of this act, within any part of this united kingdom, be admitted or become a jesuit, or brother or member of any other such religious order, community, or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanor, and being thereof lawfully convicted shall be sentenced and ordered to be banished from the united kingdom for the term of his natural life.

The party offending may be banished by his majesty;

XXXV. And be it further enacted, that in case any person sentenced and ordered to be banished under the provisions of this act shall not depart from the united kingdom within thirty days after the pronouncing of such sentence and order, it shall be lawful for his majesty to cause such person to be conveyed to such place out of the united kingdom as his majesty, by the advice of his privy council, shall direct.

and if at large after three months may be transported for life.

XXXVI. And be it further enacted, that if any offender, who shall be so sentenced and ordered to be banished in manner aforesaid, shall, after the end of three calendar months from the time such sentence and order hath been pronounced, be at large within any part of the united kingdom, without some lawful cause, every such offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such place as shall be appointed by his majesty, for the term of his natural life.

Not to extend to female societies.

XXXVII. Provided always, and be it enacted, that nothing herein contained shall extend or be construed to extend in any manner to affect any religious order, community, or establishment consisting of females bound by religious or monastic vows.

Penalties how to be recovered.

XXXVIII. And be it further enacted, that all penalties imposed by this act shall and may be recovered as a debt due to his majesty, by information to be filed in the name of his majesty's attorney general for *England* or for *Ireland*, as the case may be, in the courts of exchequer in *England* or *Ireland* respectively, or in the name of his majesty's advocate general in the court of exchequer in *Scotland*.

Act may be altered this session.

XXXIX. And be it further enacted, that this act, or any part thereof, may be repealed, altered, or varied at any time within this present session of parliament.

Commencement of act.

XL. And be it further enacted, that this act shall commence and take effect at the expiration of ten days from and after the passing thereof.

*Schedule to which this Act refers.*

Date of the Registry.	Name of the Party.	Age.	Place of Birth.	Name of the Order, Community, or Society whereof he is a Member.	Name and usual Residence of the next immediate superior of the Order, Community, or Society.	Usual place of Residence of the party.

SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## SACRILEGE.

7 & 8 GEORGE 4, CAP. 29, SEC. 10.—*An act for consolidating and amending the laws in England relative to larceny and other offences connected therewith.*

Sacrilege,  
when capital.

X. Be it enacted, that if any person shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel, shall break out of the same, every such offender, being convicted thereof, shall suffer death as a felon.

9 GEORGE 4, CAP. 55, SEC. 10.—*An act for consolidating and amending the laws in Ireland relative to larceny, and other offences connected therewith.*

Stealing in  
or from a  
church, with  
breaking in  
or out, felo-  
ny, with  
death.

X. Be it enacted, that if any person shall break and enter any church, meeting house, chapel, or other place of divine worship, and shall steal therein or therefrom any chattel, or having stolen any chattel in or from any church, meeting house, chapel, or other place of divine worship, shall break out of the same, every such offender, being convicted thereof, shall suffer death as a felon.

7 & 8 G. 4,  
c. 29.

9 G. 4, c. 55.

5 & 6 WILLIAM 4, CAP. 81.—*An act for abolishing capital punishments in cases of letter stealing and sacrilege.* ..... Whereas by an act passed in the seventh and eighth years of the reign of king *George* the fourth, intituled *an act for consolidating and amending the laws in England relative to larceny and other offences connected therewith*, and by another act made and passed in the ninth year of his said majesty's reign, intituled *an act for consolidating and amending the laws in Ireland relative to larceny and other offences connected therewith*, it is amongst other things enacted, that if any person shall break and enter any church or chapel, and steal therein any chattel, or having stolen any chattel in any church or chapel shall break out of the same, every such offender, being convicted thereof, shall suffer death as a felon: and whereas it is expedient that a lesser punishment than that of death should be provided for the punishment of the offenders convicted of any of the offences so specified in the said act of the fifty-second year of the reign of his late majesty king *George* the third, and in the said act of the seventh and eighth years of the reign of king *George* the fourth: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much of each of the said acts as inflicts the punishment of death upon persons convicted of any of the offences therein and hereinbefore specified shall be and the same is hereby repealed, and that from and after the passing of this act every person convicted of any of the offences in the said act so specified, or of aiding or abetting, counselling or procuring the commission thereof, shall be liable to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, in the common gaol or house of correction for any term not exceeding four years.

So much of  
the recited  
acts as in-  
flicts the  
punishment  
of death for  
letter steal-  
ing and sac-  
rilege re-  
pealed, and  
transporta-  
tion substi-  
tuted.

## SANCTUARIES.

21 HENRY 8, CAP. 2.—*An act that abjured persons shall be marked in the right hand with the sign of an A.*—See Title—"ABJURATION," vol. i. p. 66.

22 HENRY 8, CAP. 14.—*For abjurations and sanctuaries.*—See Title—"ABJURATION," vol. i. p. 67.

26 HENRY 8, CAP. 13, SEC. 3.—*An act whereby offences be made high treason, and taking away all sanctuaries for all manner of high treasons.*

III. To the intent that all treasons should be the more dread, hated and detested to be done by any person or persons, and also because it is a great boldness and an occasion to ill disposed persons, to adventure and embrace their malicious intents and enterprises, which all true subjects ought to study to eschew: be it therefore enacted by the authority aforesaid, that none offender in any kinds of high treasons whatsoever they be, their aiders, counsellors, counsellors nor abettors, shall be admitted to have the benefit or privilege of any manner of sanctuary, considering that matters of treasons touch so nigh both the surety of the king our sovereign lord's person, and his heirs and successors.

No offender in high treason shall have the benefit of sanctuary.

27 HENRY 8, CAP. 19.—*An act limiting an order for sanctuaries, and sanctuary persons.*—Where upon trust of sanctuaries, and the licentious liberties that heretofore have been and yet daily be used in the same, divers persons have been the more bold to perpetrate and commit many detestable murders, rapes, robberies, thefts, and other mischievous, detestable and abominable deeds, for that they have been always relieved, aided and succoured by the sanctuaries, whensoever, and as oft as they or any of them have offended in any of the premises, to the most grievous displeasure of Almighty God, and extreme detriment, and hurt of the king's subjects: in avoiding of such presumptuous boldness it is enacted, ordained and established by the king our sovereign lord, with the assent of his lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, that all and singular person or persons, which now be, or at any time hereafter shall be privileged in any sanctuary, within any of the king's dominions, for murder or felony, from the first day of May next coming, shall daily, whensoever he or they be without the house or mansion, wherein they have their lodging, wear a badge or cognizance, by the governor of every sanctuary to be assigned and appointed, openly upon their upper garment, of the compass in length and breadth of ten inches; upon pain that they and every of them, whensoever, and as often as any of them being out of the said house or mansion, wherein he hath his said lodging, shall be found and taken without the same badge or cognizance, clearly to lose and forfeit his or their privilege and advantage of sanctuary. And that it shall be lawful to all and singular the king's subjects to apprehend and take every such offender and offenders, being without his badge or cognizance,

Sanctuaries being a great encouragement to murders, rapes, robberies, &c.

Enacted, that

Every sanctuary person shall wear a badge on the upper garment,

and, being found out of the house without it, shall lose the privilege of sanctuary, and be committed to gaol, and tried.

as aforesaid, and him to bring out of the sanctuary into the next gaol, there to remain unto the next gaol delivery, and then to be tried according to the due course and order of the law, as though he had never been privileged in any such sanctuary.

Sanctuary persons shall not wear weapons,

II. And also be it enacted by the authority aforesaid, that no manner of the said privileged persons, at any time hereafter, bear, occupy or wear upon them any manner of sword, knife or other weapon, other then their meat knives, and the same meat knives but at their meals only, upon pain, as is above rehearsed.

nor be found out of their lodging, before sun rising or after sun set,

III. Furthermore be it enacted by the said authority, that if any of the said privileged persons at any time after the said first day of *May*, fortune to be found, apprehended or taken out of his or their lodging, before the sun rising in the morning, or after the sun going down in the evening; the same privileged person so found, apprehended or taken, shall at the first time for his so offending, suffer imprisonment within the same sanctuary by the space of two days, and at the second to have imprisonment by the space of five days, and at the third time that he shall be so found, apprehended, or taken out of his said lodging, contrary to the order before mentioned, and the same being substantially proved by indifferent proofs thereof to be made before the lord chancellor of *England* for the time being, to forfeit and lose his or their privilege of sanctuary.

nor resist the governor in the execution of his office: and doing any of the said offences, they shall lose the privilege of sanctuary.

IV. Also be it further enacted by the said authority, that if any manner of sanctuary person or persons of prepensed malice at any time hereafter do rescue or resist any of the governors aforesaid, or their deputies, in executing of their office, in taking and imprisoning of any of the persons privileged, offending contrary to the tenor of this act, that then he or they that shall fortune to make rescues, shall be hereafter taken out of sanctuary, and to suffer, and be tried as felons in every thing.

Debts, and trespasses within the sanctuary, between sanctuary persons and others, shall be determined by the governor.

V. And over that be it enacted by authority aforesaid, that all manner of contracts of debt under forty shillings, trespasses and covenants, that at any time hereafter shall happen to be made, or grow within any of the said sanctuaries, between any of the said privileged person or persons and other inhabitants within any such sanctuary, that the governor or their deputy of any of the same sanctuaries, where any such contract, trespass or covenant shall fortune to be made, grow, or be, as is aforesaid, shall have full power and authority by this present act, to order judge and determine the same, according as it shall be duly there proved afore the said governor or governors.

28 HENRY 8, CAP. 1.—*An act that abjurors in cases of petty treason shall not have clergy.*—See Title—"ABJURATION," vol. i. p. 70.

32 HENRY 8, CAP. 3.—*For the continuation of certain acts.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 527.

32 HENRY 8, CAP. 12.—*An act concerning sanctuaries, privilege of churches, and churchyards.*—The king's most royal majesty, calling to his most blessed remembrance, how that many idle and evil disposed persons within this his realm and in other his grace's dominions, nothing regarding the fear of God, nor the punishment of the king's laws, heretofore have done and do daily commit and perpetrate wilfully, as well great, sundry, and detestable murders, robberies, and

Sanctuaries, being an encouragement to murders, robberies, &c.

also other great and heinous offences to the great displeasure of Almighty God, to the subversion of all good and politic order: whereunto such malefactors are partly instigated and moved, and the more bold and willing so to offend by certain licentious privileges and other liberties heretofore granted to divers places and territories within this realm, commonly called sanctuaries, to which such wilful offenders heretofore have had refuge and tuition of their lives and bodies, after the said mischievous offences perpetrated and done, from the just and condign punishment of his grace's laws, both contrary to the express word of God, and the common tranquillity of this his grace's realm and the public wealth and surety of the same. Wherefore his grace of his accustomed goodness, neither minding the encouraging nor continual maintaining of such mischievous and wilful malefactors and offenders, neither again the utter abolishment and extinguishment of all sanctuaries, and the privileges of the same, very expedient and convenient to be had and continued in every commonwealth, by the law of mercy, for some causes and offences:

II. The king's highness is contented and pleased, that it be enacted by his highness, with the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, that all manner of sanctuaries and places privileged, which heretofore have been used, reputed or taken for any manner of sanctuary, except parish churches, and their churchyards, cathedral churches, hospitals and churches collegiate, and all chapels dedicated and used as parish churches, and the sanctuaries to them and every of them belonging, and except such places and territories as hereafter shall be declared, appointed, and named, to be places of tuition and privilege by this present act, shall be utterly extinguished, annulled, void, and of none effect, for any such liberty or privilege of sanctuaries, to all purposes and intents. Any laws, licences, statutes, customs, privileges, prescriptions, allowances, or any other thing or things heretofore used or admitted to the contrary notwithstanding.

III. And furthermore, the king's royal majesty of his accustomed goodness, mercy, and benignity, is pleased and contented that it be enacted by authority of this present parliament, that from henceforth these places and territories hereafter expressed and declared, that is to say, *Wells* in the county of *Somerset*, *Westminster*, *Manchester*, *Northampton*, *Norwich*, *York*, *Derby*, and *Launceston*, shall be from henceforth admitted, allowed and taken to be places of privilege and tuition for term of life, of and for all and singular offenders and malefactors, of whatsoever quality, kind, or natures all and every their offences be or shall be; for the which their said offences and crimes, the pains and punishment of death should ensue by the statutes, laws and customs of this realm, other than such as hereafter by this present act be excepted and foreprised: that is to say, that it be enacted by the authority aforesaid, that from henceforth the said parish churches or churchyards, cathedral churches, hospitals, churches collegiate, and all other chapels dedicated, or used as parish churches, nor any of them, nor the cemeteries to them or any of them belonging, nor the said places and territories before in this present act rehearsed and declared for places of refuge and tuition,

and thereupon, very necessary to be regulated, though not extinguished;

Enacted, that

All sanctuaries, (except churches, churchyards, hospitals, and chapels; and places hereafter to be declared) shall be utterly extinguished.

Places of sanctuary, shall be Wells, Westminster, Manchester, Northampton, Norwich, York, Derby, Launceston.

Privilege of sanctuary shall not extend,

to wilful murder, nor to ravishment of women, nor to burglary, nor to robbery in the highway, or house, or of churches and chapels, nor to burning of houses or barns, nor to any abettors of the aforesaid offenders.

Persons, taking sanctuary in a church, &c. and not guilty of any of the said offences,

may abjure to any of the forementioned privileged places, to remain during life, under the orders thereof.

The coroner refusing to come, in convenient time, to take abjurations, shall forfeit £5.

Commissioners under the great seal,

shall not in anywise extend to give any manner tuition, defence, immunity, liberty, or privilege to any manner of person or persons, which at any time hereafter shall perpetrate, commit, or do, any manner of wilful murder, or which shall commit or do any ravishment of or to any woman, or which shall commit any manner of burglary, or which shall commit or do any manner of robbery in the highway, or near unto the same, or to any person which shall commit or do any robbery in any house, putting the owner, his wife, children, servants, or any other within the same in fear of life. And also excepted and foreprised all felonious burning of houses or barns with corn, and also robberies of churches, chapels or other hallowed places. And also foreprised and excepted all and singular abettors, procurers, and counsellors to any the foresaid offences before specified and excepted, before the said offences committed and done. And also excepted and foreprised all other offenders committing or perpetrating any offences where sanctuary or clergy is not allowable by the laws of this realm, or where sanctuary or clergy is taken away by any former statute or law.

IV. And be it further enacted by authority aforesaid, that if at any time hereafter any person or persons do take any refuge or sanctuary in any parish church or churchyard, cathedral church, hospital, church collegiate, or other chapel dedicate, commonly used as parish churches, or in the cemetery to any of them belonging, for any offence, other than such as be excepted and foreprised by this act; that then the said person or persons, so taking sanctuary and refuge, shall and may abide and remain there by the space of forty days, as hath been heretofore used, using himself in all points according to the laws and statutes of the realm, unless the coroner in the mean time repair unto him for the taking of his abjuration, in which case upon repair of the said coroner, he shall and may abjure after the laws and statutes of this realm, to any of the said territories and privileged places before named not being full of the number, as hereafter to every of the said places by this act shall be appointed, there to abide and remain during his life; using himself in such like order, conviction and fashion in all things and points as heretofore hath been ordered and appointed by the statutes and laws of this realm, for and concerning the good order of sanctuary persons to be observed, used, and kept within privileged sanctuaries; or else to lose the benefits of their said privilege, and upon the penalties comprised in the said statutes.

V. And it is further enacted, that if the coroner of the shire or place, where any person or persons shall take any refuge or sanctuary in any of the said churches or churchyards, cathedral churches, hospitals, churches collegiate, chapels dedicate, commonly used as parish churches, or any cemeteries to them or any of them belonging, upon reasonable request to him made, do refuse to come in convenient time unto such person being in sanctuary, as is aforesaid, there to take his confession and abjuration, according to the laws of this realm; that then the said coroner for every such default shall lose and forfeit to our sovereign lord the king one hundred shillings.

VI. And be it further enacted by the authority aforesaid, that the chancellor of *England* for the time being, within the space of one

year next following, shall have power and authority by this act, to award several commissions under the king's great seal of *England*, unto such discreet persons as he shall think meet by his discretion to make perambulations, and to appoint, set forth, and limit certainly how far and where the bounds and limits of every of the said privileged places and territories before rehearsed shall extend, and that the same bounds and limits so by the said commissioners to be set forth, limited and appointed, shall be returned under the seals of the said commissioners into the king's court of chancery, there to remain of record for the certain knowledge of the bounds and limits of the said privileged places and territories. And that after the same limitations so to be made and returned, the said privileged places appointed by this act, shall serve and be allowed only within the same limits and bounds so returned, and not elsewhere within residue of the city or town where such limits shall be appointed.

VII. And further be it enacted by the authority aforesaid, that in every the said privileged places and territories, the officer or governor of the said privileged place and territory, by the king's highness to be appointed, and every of them, for the good governance and ordering of the same places and territories, shall daily call or cause to be called, by himself or his deputy, all and every of the said privileged persons in every of the said places and territories by their names, and if any of the said privileged persons do make default three several days together, and do not personally appear at any of the said three days, having no lawful excuse to the contrary, that then every such privileged person, making default of his appearance as is aforesaid, shall lose and forfeit the privilege of all and every of the said privileged places and territories: any thing in this act to the contrary notwithstanding. And further it is enacted, that if any of the said abjured or privileged persons, within the time he shall be in any of the said privileged places or territories, as a privileged man, fortune to commit, perpetrate, or do any manner of felony or other offences, for the which the penalty of death should ensue by the laws and statutes of this realm: that then every such offender shall for ever lose the benefit and privilege as well of the said place, as all other privileged places and sanctuaries before named; any thing in this act to the contrary notwithstanding.

VIII. And it is further enacted by the authority aforesaid, that there shall not be at any one time above the number of twenty of the said privileged persons hereafter to be admitted and received into any one of the said privileged places and territories aforesaid. And that if any person hereafter do abjure to any of the said privileged places and territories, according to the purvey of this act, the person so abjuring shall be used, conducted, conveyed and brought from constable to constable, directly according to the order of the laws heretofore used for the conducting of abjured persons to their ports after their abjurations, until such time as the person so abjuring, be brought to the governor of the said privileged place whereto he shall be so abjured, or to his deputy: and if at the bringing thither of the said abjured person, it shall appear and be truly declared by the register there, to be kept of the names of the said privileged persons then being in the said privileged place, that

shall mark the bounds of every of the said privileged places.

Governors of privileged places shall call over the names of the sanctuary persons every day,

and any person making default for three days shall forfeit the privilege,

and so also, if he commit any felony, for which death should ensue.

No privileged place shall have above twenty persons, at any one time; which shall be registered

and any abjured person being brought, the register shall be shewed,



and if the number is full, the constables shall be obliged to carry him to the next adjoining,

with a certificate from the governor, of his being refused in the first.

Any governor or constable, offending, shall forfeit forty shillings.

Privilege taken before this act in other places, shall continue the same, as before.

the said privileged place is then full of his said number of the said privileged persons, being then there lawfully privileged, according to the purvey of this act : then the said governor of the said privileged place, or his deputy, shall declare and shew unto the same abjured person, so being brought thither, and to the said officer that bringeth and conducteth him thither, that the said abjured person may not be there received, for that the said privileged place is then already full of his said number, and thereupon shall command the said constable or other officer to conduct, lead and deliver the said abjured person to the constable or other officer or officers of the next town adjoining to the said privileged place, leading directly towards the next of the said other privileged places or territories, and the same abjured person so to be delivered from constable to constable, officer or officers of every township, tending toward the same next privileged place, unto such time as the same person be thither conducted, and there delivered to remain as aforesaid. And that the governor of the said privileged place, where such refusal was had, or his deputy, shall make an entry in the said register of the whole matter, that is to say, what day and year the said abjured person was brought thither unto him, and by what officer, and for what cause he did refuse the receiving of him, and to which of the other said privileged places the said abjured person was from thence appointed to be brought and conveyed, and shall before the departure of the said abjured person, deliver to him a true copy of the said entry, to the intent he may deliver the same to the governor of the said other privileged place, to the which he shall be conducted and brought, or to his deputy. And that the said governor of that same privileged place, if that same place be not then full of his number as is afore rehearsed, shall receive the same abjured person upon the sight of his said bill, there to remain during his life as a privileged person ; according to the purvey of this statute. And that like order and fashion be always observed and kept for the conducting and conveying of all abjured persons from every of the said privileged places, being full of the said number, at the time of the bringing thither any such abjured person, to the next other of the said places, until such time as the said abjured person be received into one of the said privileged places not having his full number according to the purvey of this act. And that every governor of the said privileged places being negligent and not doing his duty according to the purvey of this act, and every constable and other of the king's officers, refusing to receive or conduct such abjured person as is aforesaid, shall forfeit and lose to our sovereign lord the king, for every of their defaults in that behalf forty shillings.

IX. Provided always, that this act or any thing therein contained, shall not extend or be taken to minish or appaire, or to augment or enforce the privilege or liberty, which any person or persons have already taken, claimed, or obtained in any place or places within this realm heretofore used, allowed, or admitted for places of sanctuary, privilege or tuition, but the same to stand for them in like force and effect, neither better nor worse than it was before the making of this act ; any thing herein contained to the contrary hereof notwithstanding.

32 HENRY 8, CAP. 20, SEC. 4.—*Concerning privileges and franchises.*—See Title—"ABBIEYS," vol. i. p. 32.

32 HENRY 8, CAP. 24, SEC. 12.—*In an act, intituled an act concerning the possessions of Saint John of Jerusalem, &c.*

XII. Provided also, and be it enacted, by the authority aforesaid, that all privileges of sanctuaries heretofore used or claimed in mansion houses and other places commonly called *Saint John's hold*, and all other sanctuaries heretofore used in any place within this realm, or in *Ireland*, which heretofore hath been belonging to any of the said hospitals, shall stand and be utterly void and of none effect, for or concerning any sanctuary, privileges of sanctuary, there to be had or used. The privileges of common churches and churchyards, applied and used to God's service, and burials of christian people, only excepted.

Sanctuaries belonging to Saint John's of Jerusalem shall be void,

except churches and churchyards.

33 HENRY 8, CAP. 15.—A repeal of so much of the statute of 32 Henry 8, cap. 12, as doth assign the town of *Manchester* to be a place of sanctuary. But instead thereof, the city of *Westchester* in the county of *Chester* shall be a place of sanctuary.

REP. 1 Jac. 1, c. 25, and 21 Jac. 1, c. 28.

1 EDWARD 6, CAP. 12, SECS. 10 & 14.—*An act for the repeal of certain statutes concerning treasons and felonies.*

X. And it is further ordained and enacted by the authority aforesaid, that no person or persons that heretofore hath been, or at any time hereafter shall be, in due form of the laws, attainted or convicted of murder of malice prepensed, or of poisoning of malice prepensed; or of breaking of any house by day or by night, any person being then in the same house where the same breaking heretofore hath been or hereafter shall be committed, and heretofore hath been or hereafter shall be thereby put in fear or dread; or of or for robbing of any person or persons in the highway, or near to the highway; or for felonious stealing of horses, geldings, or mares; or of felonious taking of any goods out of any parish church, or other church or chapel; or being indicted or appealed of any of the same offences, and thereupon found guilty by verdict of twelve men, or shall confess the same upon his or their arraignment, or will not answer directly, according to the laws of this realm, or shall stand wilfully, or of malice mute, shall not be admitted to have or enjoy the privilege or benefit of his clergy or sanctuary, but shall be put from the same: and that in all other cases of felony, other than such as are before mentioned, all and singular person and persons, which after the first day of *March* next coming shall be arraigned or found guilty upon his or their arraignment, or shall confess the same, or stand mute, in form aforesaid, or will not answer directly in form abovesaid, shall have and enjoy the privilege and benefit of his or their clergy, the liberty and privilege of sanctuary, in like manner and form as he or they might or should have done before the four and twentieth day of *April* in the first year of the reign of the said late king *Henry* the eighth.

The offenders in these felonies shall be excluded of their clergy and sanctuary by 2 & 3 Ed. 6, c. 33. Hob. 394. 2 Haw. P. C. ch. 33, sect. 34.

Persons stealing one horse are ousted of clergy, &c.

Clergy allowed in all other cases of felony. 1 Jac. 1, c. 25. Sanctuaries extinct. 11 Coke 31.

XIV. And over that be it enacted by the authority aforesaid, that in all and every case and cases, where any of the king's majesty's subjects shall and may, upon his prayer, have the privilege of clergy as a clerk convict, that may make purgation; in all those cases and every of them, and also in all and every case and cases of felony,

A lord of the parliament shall have his clergy for the first offence of felony, though he cannot read,

and without  
burning.

wherein the privilege and benefit of clergy is restrained, excepted or taken away by this statute or act, (wilful murder and poisoning of malice prepensed only excepted) the lord and lords of the parliament, and peer and peers of the realm, having place and voice in parliament, shall by virtue of this present act, of common grace, upon his or their request or prayer, alleging that he is a lord or peer of this realm, and claiming the benefit of this act, though he cannot read, without any burning in the hand, loss of inheritance or corruption of his blood, be adjudged, deemed, taken and used for the first time only, to all intents, constructions and purposes, as a clerk convict, and shall be in case of a clerk convict, which may make purgation, without any further or other benefit or privilege of clergy to any such lord or peer from thenceforth at any time after for any cause to be allowed, adjudged or admitted; any law, statute, usage, custom, or any other thing to the contrary in anywise notwithstanding.

2 JAMES 1, CAP. 25, SEC. 34.—*An act for continuing and reviving of divers statutes, and for repealing of some others.*—See Title—"ABJURATION," vol. i. p. 73.

21 JAMES 1, CAP. 28, SECS. 6 & 7.—*An act for continuing and reviving of divers statutes, and for repeal of divers others.*—See Title—"ABJURATION," vol. i. p. 74.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## SCHISM.

1 ELIZABETH, CAP. 1, SEC. 17.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same.*—See Title—"APPEALS TO THE SEE OF ROME, vol. i. p. 147.

13 & 14 CHARLES 2, CAP. 33, SECS. 1 & 2.—*An act for preventing abuses in printing seditious, treasonable and unlicensed books and pamphlets, and for regulating of printing and printing presses.*—

Whereas the well government and regulating of printers and printing presses is matter of public care, and of great concernment, especially considering, that by the general licentiousness of the late times, many evil disposed persons have been encouraged to print and sell heretical, schismatical, blasphemous, seditious and treasonable books, pamphlets and papers, and still do continue such their unlawful and exorbitant practice, to the high dishonour of Almighty God, the endangering the peace of these kingdoms, and raising a disaffection to his most excellent majesty and his government: for prevention whereof, no surer means can be advised, than by reducing and limiting the number of printing presses, and by ordering and settling the said art or mystery of printing by act of parliament, in manner as hereinafter is expressed.

Regulating  
of printing  
of great con-  
cernment.

II. The king's most excellent majesty, by and with the consent and advice of the lords spiritual and temporal, and commons in this present parliament assembled, doth therefore ordain and enact, and be it ordained and enacted by the authority aforesaid, that no person or persons whatsoever shall presume to print, or cause to be printed, either within this realm of *England*, or any other his majesty's dominions, or in the parts beyond the seas, any heretical, seditious, schismatical, or offensive books or pamphlets, wherein any doctrine or opinion shall be asserted or maintained, which is contrary to the christian faith, or the doctrine or discipline of the church of *England*, or which shall or may tend, or be to the scandal of religion, or the church, or the government or governors of the church, state or commonwealth, or of any corporation or particular person or persons whatsoever; nor shall import, publish, sell or disperse any such book or books, or pamphlets, nor shall cause or procure any such to be published or put to sale, or to be bound, stitched, or sewed together.

Pamphlets  
and books  
prohibited to  
be printed,  
published or  
sold.

29 CHARLES 2, CAP. 9, SEC. 2.—*An act for taking away the writ de heretico comburendo.*—See Title—"WRITS."

12 ANNE, STAT. 2, CAP. 7.—*An act to prevent the growth of schism, and for the further security of the churches of England and Ireland, as by law established.*—Whereas by an act of parliament made in the thirteenth and fourteenth years of his late majesty king Charles the second, intituled an act for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating

13 & 14 Car. 2,  
c. 4.

*bishops, priests and deacons in the church of England*, it is, amongst other things enacted, that every schoolmaster keeping any public or private school, and every person instructing or teaching any youth in any house or private family, as a tutor or schoolmaster, should subscribe before his or their respective archbishop, bishop or ordinary of the diocese, a declaration or acknowledgment, in which, amongst other things was contained, as follows, *viz. I A. B. do declare, that I will conform to the liturgy of the church of England, as it is now by law established*; and if any schoolmaster, or other person instructing or teaching youth in any private house or family, as a tutor or schoolmaster, should instruct or teach any youth as a tutor or schoolmaster before licence obtained from his respective archbishop, bishop or ordinary of the diocese, according to the laws and statutes of this realm, for which he should pay twelve-pence only, and before such subscription and acknowledgment made, as aforesaid, then every such schoolmaster and other instructing and teaching as aforesaid, should, for the first offence, suffer three months imprisonment without bail or mainprize, and for every second and other such offence should suffer three months imprisonment without bail or mainprize, and also forfeit to his majesty the sum of five pounds: and whereas notwithstanding the said act, sundry papists and other persons dissenting from the church of *England*, have taken upon them to instruct and teach youth as tutors or schoolmasters, and have for such purpose openly set up schools and seminaries, whereby, if due and speedy remedy be not had, great danger might ensue to this church and state: for the making the said recited act more effectual, and preventing the danger aforesaid, &c.

See further  
23 G. 2, c. 28.

5 GEORGE 1, CAP. 4.—*An act for strengthening the Protestant interest in these kingdoms*.—See Title—"CONVENTICLES," vol. ii. p. 399.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## SECULAR JURISDICTION OF BISHOPS.

6 & 7 WILLIAM 4, CAP. 87.—*An act for extinguishing the secular jurisdiction of the archbishop of York and the bishop of Ely in certain liberties in the counties of York, Nottingham, and Cambridge.*—Whereas it is expedient to put an end to the secular jurisdiction of the archbishop of York in the liberty of Ripon in the west and north ridings of the county of York, and in the liberty of Cuwood, Wistow, and Otley in the said west riding, and in the soke of Southwell in the county of Nottingham, and to the secular jurisdiction of the bishop Ely in the Isle of Ely in the county of Cambridge: be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all the secular authority of the archbishop of York in the said liberty of Ripon, and in the said liberty of Cuwood, Wistow, and Otley, and in the said soke of Southwell, shall, from and after the passing of this act, cease and determine, and shall become and be transferred to and vested in his majesty, his heirs and successors.

Secular jurisdiction of archbishop of York in the places herein mentioned to cease.

II. And be it further enacted, that the several towns, parishes, and places within the said liberty of Ripon, and the said liberty of Cuwood, Wistow, and Otley respectively, shall severally be deemed and taken to be distinct liberties, in the same way as they have heretofore been, and shall enjoy all the same rights, privileges, and exemptions which they have heretofore enjoyed, save only that all secular powers and authorities heretofore exercised by the archbishop of York within the said liberties, or either of them, shall henceforth be exercised by his majesty, his heirs and successors; and all persons now holding any office in the said liberties or either of them shall continue to hold the same in the same way as if this act had not been passed.

Towns, &c. over which his jurisdiction extended to enjoy their privileges as heretofore.

III. And be it further enacted, that no new commission of the peace shall be henceforth issued for the said soke of Southwell, but the justices of the peace for the said county of Nottingham shall within the said soke of Southwell exercise the same jurisdiction, both in and out of sessions, as within every other part of such county; any charter or custom to the contrary notwithstanding.

Justices of peace for Southwell.

IV. And be it further enacted, that all the secular authority of the bishop of Ely in the Isle of Ely in the county of Cambridge, and all authority of the chief justice of Ely heretofore appointed by the bishop of Ely, shall, from and after the passing of this act, cease and determine; and all the secular authority of the said bishop shall become and be vested in his majesty, his heirs and successors: provided always, that nothing herein contained shall prevent any justice of the peace now acting for the said liberties, soke and isle respectively from continuing to act as such within the limits of their respective jurisdictions as if this act had not been passed.

Secular jurisdiction of bishop of Ely to cease.

County rates  
of Ripon and  
Isle of Ely.

V. And be it further enacted, that the county rates for the said liberty of *Ripon* and for the said *Isle of Ely* shall remain, as heretofore, distinct from the rates for the rest of the counties of *York* and *Cambridge* respectively, and shall be assessed and levied and paid and applied by and under the order and direction of the justices of the peace for the said liberty and isle respectively as if the same were separate counties, but in all other respects under the same regulations as are applicable to the rates of other counties in *England*.

Custos rotu-  
lorum of  
west riding  
and of Not-  
tinghamshire

VI. And be it enacted, that the *custos rotulorum* of the said west riding of *Yorkshire* shall become the keeper of the records of the court of sessions of the peace of the said liberty of *Ripon*, and of the said liberty of *Cawood*, *Wistow*, and *Otley*, and that the *custos rotulorum* of the said county of *Nottingham* shall become the keeper of the records of the court of sessions of the peace of the said soke of *Southwell*, and that the records of the said several courts shall be delivered to the said respective keepers accordingly.

Custos rotu-  
lorum of Ely.

VII. And be it enacted, that it shall be lawful for his majesty, his heirs and successors, to appoint from time to time such person as he and they shall think fit to be *custos rotulorum* of the said *Isle of Ely*.

Assizes, &c.  
for Ely to be  
held under  
3 & 4 W. 4,  
c. 71.

VIII. And be it enacted, that the assizes and sessions under the commissions of gaol delivery and other commissions for the despatch of civil and criminal business in the said county of *Cambridge*, including the said *Isle of Ely*, shall be holden in such manner and at such place or places as shall be directed by his majesty in council under the provisions of an act passed in the third and fourth years of his present majesty's reign, intituled *an act for the appointment of convenient places for the holding of assizes in England and Wales*.

Quarter  
sessions of  
Isle of Ely.

IX. And be it further enacted, that separate commissions of the peace shall continue to be issued for the said two liberties and isle respectively as heretofore; and the sessions of the peace for the said liberties and isle respectively shall be holden by and before the justices of the peace for the time being acting in and for the said liberties and isle respectively in like manner as the same have hitherto been holden.

Clerks of the  
peace.

X. And be it further enacted, that the present clerks of the peace for the said liberty of *Ripon*, and for the said liberty of *Cawood*, *Wistow*, and *Otley*, and for the said *Isle of Ely* respectively, shall continue clerks of the peace for the said liberties and isle respectively during their lives, or until resignation or other determination of their offices, and that thenceforth the clerks of the peace for the said liberty of *Ripon*, and for the said liberty of *Cawood*, *Wistow*, and *Otley*, shall be appointed by the *custos rotulorum* of the said west riding for the time being, and the clerk of the peace for the said *Isle of Ely* shall be appointed by the *custos rotulorum* thereof for the time being, and shall be subject and liable to the same laws in all respects as the clerks of the peace in other counties of *England*; and that the present coroner of the liberty of *Ripon* shall continue coroner during his life, or so long as he shall well behave himself; and upon the death, removal, or resignation of such coroner, and upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said liberty of *Ripon* in like manner

Coroner for  
*Ripon*.

as coroners are chosen in the case of other counties or divisions of counties in *England*.

XI. And be it enacted, that all persons residing within the said liberty of *Ripon* who by the laws now in force would be qualified and liable to serve on grand juries in courts of sessions of the peace, and on petty juries for the trial of issues in courts of sessions of the peace, holden for the county of *York*, if the said liberty were destroyed and the district comprised therein made for all purposes part of the said county, shall be qualified and liable to serve on such juries in courts of sessions of the peace holden within the said liberty; and all persons who by the laws now in force would be exempted from serving on such juries, if the said district were for all purposes made part of the said county, shall in like manner be exempted from serving on such juries within said liberty.

Who shall be qualified to serve on the juries in *Ripon*.

XII. And be it further enacted, that the present chief bailiff for the said *Isle of Ely* shall continue chief bailiff of the said isle until resignation or other determination of his office, and that thenceforth it shall be lawful for his majesty, his heirs and successors, to appoint from time to time such person as he or they shall think fit to be chief bailiff of the said isle.

Chief bailiff of the *Isle of Ely*.

XIII. And be it further enacted, that no person shall from and after the passing of this act be committed to the gaol at *Ely*, but all persons who, if this act had not passed, might have been committed to or confined in such gaol, may be committed to and confined in the gaol at *Cambridge*, and the justices of the said *Isle of Ely* shall have full power to commit to the said gaol at *Cambridge*; and all persons who at the time of the passing of this act shall be confined in the said gaol at *Ely* shall, as soon as may be after the passing of this act, be delivered up by the keeper of the said gaol at *Ely* to the keeper of the said gaol at *Cambridge*, together with the warrant or instrument under or by virtue whereof every such person shall be then detained in custody, and the keeper of the said gaol at *Cambridge* shall receive and detain such persons in custody in the same way as if such persons had originally been committed to his custody.

Gaol at *Ely* abolished and prisoners to be confined in *Cambridge* gaol.

XIV. And be it enacted, that the houses of correction at *Ely* and *Wisbeach* in the said isle shall remain, and the present keepers thereof shall be continued in office during the pleasure of the justices of the peace for the said isle in quarter sessions assembled; and the keepers thereof shall be appointed by the said justices so assembled as in other counties of *England*.

Houses of correction and their keepers to remain.

XV. And be it enacted, that all the regulations respecting juries and jurors for counties in *England* shall after the passing of this act be applied to the *Isle of Ely* as well as to the rest of the county of *Cambridge*, and the sheriff of the counties of *Cambridge* and *Huntingdon* shall have the same power of summoning jurors in the said *Isle of Ely* which he has in the rest of the said county of *Cambridge*, and all persons residing in the said isle shall be liable to serve on juries for the said county in the same manner as persons residing in other parts of the same county.

Regulations respecting juries in *Ely*.

XVI. And be it enacted, that the present coroners of the said *Isle of Ely* shall continue coroners respectively during their respective

Present coroners of *Ely* continued



and future  
vacancies  
provided for.

lives, or so long as they shall respectively well behave themselves; and that upon the death, removal, or resignation of either of them, and upon every future vacancy of the office, a coroner shall be chosen by the freeholders of the said isle in like manner as coroners are chosen in the case of other counties or divisions of counties of *England*; and the said coroners for the time being shall be entitled to demand and take the same fees, recompence, and benefit as are given to or provided for the coroners by an act made and passed in the twenty-fifth year of the reign of his late majesty king *George* the second, intituled *an act for giving a proper reward to coroners for the due execution of their office, and for the removal of coroners on lawful conviction of certain misdemeanors*, and shall as such coroners be subject to all the provisions of the said act.

25 G. 2, c. 29.

Compensation  
to persons  
affected by  
the provisions  
of the act.

XVII. And whereas it is expedient that due provision shall be made for the compensation of any persons holding offices which have been usually held for life for the loss they may sustain by the abolition of their offices by virtue or in consequence of this act; be it therefore enacted, that from and after the commencement of this act there shall be issued, paid, and payable out of and charged upon the consolidated fund of the united kingdom of *Great Britain* and *Ireland* to the said officers respectively, free and clear of all taxes and deductions whatsoever, such sum of money, at such times, by way of annuity or otherwise, as shall be adjudged and determined to be due to them by the commissioners of his majesty's treasury of the united kingdom of *Great Britain* and *Ireland*, or any three of them, who shall have full power to inquire into and ascertain the amount of such compensation, having regard to the nature and value of the office, the mode of appointment thereto, the tenure thereof, and all the circumstances of the case.

Restrictions  
as to com-  
pensations.

XVIII. Provided always, and be it enacted, that no such officer shall be entitled to receive any such compensation unless he shall previously make a full and true statement to the said commissioners of his majesty's treasury, to be verified on oath before a judge or master or master extraordinary in chancery, if they shall think fit so to direct, of the amount of his salary and fees, and of the disbursements and outgoings of the same, for the space of ten years before the passing of this act, and that such compensation shall cease altogether or be reduced in amount, as the case may be, whenever he shall be placed in any other public office of which the salary and emoluments shall be equal to the whole or to part of such compensation; nor in the last mentioned case shall be entitled to receive more of such compensation than shall be equal to the difference between the full amount thereof, and the amount of the salary and emoluments of the office in which he may be hereafter placed.

Reservation  
of patent fees  
to patentees  
for life.

XIX. And be it further enacted, that nothing in this act contained shall affect the right of any person holding a patent for his life of any office, whether abolished by this act or not, to receive during his life any fee or stipend granted by such patent out of the revenues of the said respective sees.

Reservation  
of all profits  
to the sees.

XX. And be it further enacted, that nothing hereinbefore contained shall have the effect of severing or separating from the said

archbishopric or bishopric any lordships, manors, houses, lands, tene-ments, tithes, rents, collieries, mines, minerals, rectories, advowsons, profits or emoluments of any kind or description whatsoever, whether held in right of the said sees, other than and except only any profits and emoluments hereinbefore expressly mentioned and directed to be severed therefrom.

XXI. And be it enacted, that from and after the passing of this act, the bishop of *Ely* for the time being shall take and hold the said bishopric, and all the property, patronage, and rights belonging thereto, except as hereinbefore provided, subject to and under any provisions which shall be made by or under the authority of parliament with respect to the said bishopric within the space of three years next after the passing of this act; any law, statute, or canon to the contrary notwithstanding.

The bishop of *Ely* to take and hold subject to future provisions.

XXII. Provided always, and be it further enacted, that, notwithstanding any thing hereinbefore contained, the present chief justice of the said *Isle of Ely* shall have full power, under any commission of assize, or of *Oyer and Terminer* or gaol delivery, which has already issued, to exercise all such jurisdiction as he has heretofore exercised in the said isle.

Chief justice of *Ely* to act under commission of assize, &c. already issued.

1 VICTORIA, CAP. 53.—*An act to explain and amend an act of the sixth and seventh years of his late majesty, for extinguishing the secular jurisdiction of the archbishop of York and the bishop of Ely in certain liberties in the counties of York, Nottingham, and Cambridge.*—

Whereas by an act passed in the last session of parliament, intituled *an act for extinguishing the secular jurisdiction of the archbishop of York and the bishop of Ely in certain liberties in the counties of York, Nottingham, and Cambridge*, it was amongst other things enacted, that all the secular authority of the bishop of *Ely* in the *Isle of Ely* in the county of *Cambridge*, and all authority of the chief justice of *Ely*, theretofore appointed by the bishop of *Ely*, should, from and after the passing of the said act, cease and determine, and all the secular authority of the said bishop should become and be vested in his late majesty, his heirs and successors; provided always, that nothing therein contained should prevent any justice of the peace then acting for the said isle from continuing to act as such within the limits of the said jurisdiction as if the said act had not been passed; and it was further enacted, that the county rates for the said *Isle of Ely* should remain, as theretofore, distinct from the rates for the rest of the county of *Cambridge*, and should be assessed and levied, and paid and applied, by and under the order and direction of the justices of the peace for the said isle, as if the same were a separate county, but in all other respects under the same regulations as were applicable to the rates of other counties in *England*; and it was further enacted, that no person should, from and after the passing of the said act, be committed to the gaol at *Ely*, but all persons who, if the said act had not passed, might have been committed to or confined in such gaol, might be committed to and confined in the gaol at *Cambridge*, and the justices of the said *Isle of Ely* should have full power to commit to the said gaol at *Cambridge*, and all persons who at the time of the passing of the said act should be confined in the said gaol at *Ely* should, as soon

6 & 7 W. 4. c. 87.

as might be after the passing of the said act, be delivered up by the keeper of the said gaol at *Ely* to the keeper of the said gaol at *Cambridge*, together with the warrant or instrument under or by virtue whereof every such person should be then detained in custody, and the keeper of the said gaol at *Cambridge* should receive and detain such persons in custody in the same way as if such persons had originally been committed to his custody: and whereas the gaol for the county of *Cambridge* is not locally situate within the town or borough of *Cambridge*, but is situate near thereto, and within the parish of *Chesterton* in the same county, and there is a gaol for the said town or borough which is situate within the precincts of the same: and whereas it is desirable to prevent any doubt as to the meaning of the said recited act in regard to the gaol to which persons should be committed and removed from the said *Isle of Ely*, and to declare that by the gaol at *Cambridge* mentioned in the said act the gaol for the county of *Cambridge* for the time being was meant and intended: and whereas by the committal of prisoners from the said *Isle of Ely* to the said county gaol, and the keeping and maintaining such prisoners there, considerable expense will be occasioned to the said county of *Cambridge*, and in consequence thereof it may be necessary to enlarge the said gaol for the county of *Cambridge*; and it is therefore expedient that all expenses already occasioned or which may hereafter be occasioned thereby, as well as from the prosecution, trial, punishment, conveyance, and transport of such prisoners, should be charged on the said rates for the said *Isle of Ely*: be it therefore declared and enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that by the gaol at *Cambridge* mentioned in the hereinbefore recited act was meant and intended the gaol for the said county of *Cambridge* situate at *Chesterton* in the same county; and that all persons who if the said recited act had not passed might have been committed to or confined in the gaol at *Ely* may be committed to and confined in the gaol for the time being of the said county of *Cambridge*, and that all justices who if the said act had not been passed might have committed to the gaol of the said *Isle of Ely* shall have full power to commit to the gaol for the time being of the said county of *Cambridge*.

Gaol referred to in recited act declared to be the county gaol; and *Ely* prisoners may be committed to the county gaol for the time being.

As to the imprisonment of persons convicted of crimes in the *Isle of Ely*.

II. And be it enacted, that it shall be lawful for all judges, justices, and others acting under any commission of gaol delivery to direct that any person who shall have been committed for any crime from the said *Isle of Ely*, and who shall thereupon be convicted and sentenced to imprisonment, shall be imprisoned either in the gaol or house of correction of the said county of *Cambridge*, or in any other gaol or house of correction at *Ely* or *Wisbeach*, or elsewhere in the said *Isle of Ely*.

Expenses payable by the *Isle of Ely*.

III. And be it enacted, that all expenses already incurred or which may hereafter be incurred under or by virtue of the said recited act by the committal of persons from the said *Isle of Ely* to the gaol for the said county of *Cambridge*, and of the keeping and maintenance of such persons there, and also of the prosecution, trial, punishment, conveyance, and transport of such prisoners, and all

other expenses occasioned by their being kept and detained in such gaol, or by the consequent and necessary increase of turnkeys and other attendants, or the alteration or enlargement of the said gaol, and also a due proportion of the expenses of the necessary repairs of the said gaol, and of the general expenses of the establishment thereof for the time being, shall be paid and satisfied out of the said rates for the said *Isle of Ely*; and (notice in writing of the amount of such expenses being given or transmitted by post by the clerk of the peace for the said county to the clerk of the peace for the said isle half-yearly, specifying the time at which the same are required to be paid), the justices of the peace for the said isle shall from time to time assess and levy the amount of such expenses, and use and exercise all powers, authorities, and methods in regard thereto, in the same manner as they are and shall be empowered by law to assess and levy county rates, or rates in the nature of a county rate, within the said isle for other purposes; and the amount of such expenses shall from time to time be paid by the treasurers for the said isle, or one of them, to the treasurer for the said county, to be applied to the satisfaction of all such expenses accordingly; and such last mentioned treasurer shall be accountable for the same in the same manner as for other county rates received by him: provided always, that no enlargement of the said gaol shall be made until notice of such proposed enlargement shall be given by the clerk of the peace for the said county to the clerk of the peace for the said isle, nor until the expediency of such enlargement shall have been submitted to the consideration of and shall have been agreed to by a joint committee of six justices of the peace for the said county and isle, to be appointed at the general or quarter sessions of the peace to be holden for the said county and isle respectively next after such notice in the manner provided.

IV. And be it enacted, that if at any time hereafter the justices of the peace for the said isle shall refuse to make, assess, and levy a rate for defraying any such expenses as aforesaid, (and the nonpayment thereof by the time to be specified in such notice shall be construed to be a refusal to make, assess, and levy such rate), the justices of the peace for the said county and isle respectively shall, at the respective general or quarter sessions which shall be holden in and for the county and in and for the isle next after such refusal respectively, appoint six justices of the peace for the county and for the isle in manner hereinafter mentioned, that is to say, the justices of the peace for the said county shall at such sessions appoint three justices of the peace for the said county, and the justices of the peace for the said isle shall at such sessions appoint three justices of the peace for the said isle; which justices of the peace so to be respectively appointed as aforesaid are hereby required to meet, at such time as shall be fixed for the purpose by the chairman of such general or quarter sessions for the said county, at the gaol for the said county, and of which time of meeting notice in writing shall be given or transmitted by post by the clerk of the peace for the said county to the county justices so to be appointed, and by the same clerk of the peace to the clerk of the peace for the said isle, who shall give or transmit the same by post to the isle justices so to be

appointed ; and the justices of the peace so to be appointed as aforesaid, or the major part of them then and there assembled (such major part not being less than five in number), shall hold a special sessions at the said gaol for the purpose of ascertaining and settling whether any and what expenses are chargeable in respect of any of the matters aforesaid on the rates of the said isle, and the proportion of expenses in respect of any of the said matters which ought to be borne by the said county and isle respectively ; and the clerk of the peace for the said county shall attend such special sessions, and keep a record of the proceedings there, which record shall be evidence thereof ; and the sum or sums which at any such special sessions as aforesaid shall be declared to be chargeable on the said isle under this act shall be levied and raised in manner aforesaid.

Justices of the peace for the Isle of Ely to possess the same powers as justices for counties.

V. And be it enacted, that all justices of the peace acting in and for the said *Isle of Ely* shall from and after the passing of this act have and possess and may exercise all such and the same rights, privileges, powers, and authorities whatsoever within the said *Isle of Ely* as any justice of the peace acting in and for any county, riding, or division now hath or possesses or may exercise in such county, riding, or division.

Mutual powers given to justices of the peace for the county and for the isle to apprehend offenders out of their respective limits.

VI. And be it enacted, that it shall and may be lawful from and after the passing of this act for any justice of the peace acting in and for the said county of *Cambridge*, and he is hereby authorized, to issue under his hand and seal any warrant or warrants for the apprehension of any person or persons residing or being within the said *Isle of Ely*, charged on oath before him the said justice with any felony or misdemeanor committed in the said county of *Cambridge*, and in like manner for any justice of the peace acting in and for the said *Isle of Ely*, and he is hereby authorized, to issue under his hand and seal any warrant or warrants for the apprehension of any person or persons residing or being within the said county of *Cambridge* charged on oath before him the said last mentioned justice with any felony or misdemeanor committed in the said *Isle of Ely* ; and the constables or constable or other person to whom any such warrant or warrants shall or may be addressed or directed are and is hereby authorized to apprehend and take any such person or persons so charged on oath as aforesaid (and whose name or names shall be inserted in such warrant or warrants) with any such felony or misdemeanor committed in the said county of *Cambridge* or in the said *Isle of Ely*, without indorsement of such warrant or warrants by any justice of the peace of the said county of *Cambridge* or of the said *Isle of Ely*.

Isle of Ely to be a division of a county.

VII. And whereas doubts have arisen whether the *Isle of Ely* is included in enactments made in several statutes respecting counties, ridings, or divisions ; be it therefore enacted, that under such statutes heretofore passed or hereafter to be passed the *Isle of Ely* shall be deemed and taken to be a division of a county.

Certain townships to be separated from the liberty of Ripon and become parts of the north riding.

VIII. And whereas the townships of *Feliskirk* and *Sutton-under-Whitestonecliffe*, in the parish of *Feliskirk* and townships of *Kilburn* and *Marton Lordship*, in the county of *York*, are locally situated within the north riding of the said county, and yet for certain purposes are esteemed to be within the liberty of *Ripon* in the said

county, heretofore part of the secular jurisdiction of the archbishop of *York*: and whereas by the said act of the last session of parliament it was amongst other things enacted, that all the secular jurisdiction of the said archbishop of *York* in the said liberty of *Ripon* should from and after the passing of the said act cease and determine, and should become and be transferred to and vested in his said late majesty, his heirs and successors: and whereas the said townships are distant upwards of fourteen miles from *Ripon* aforesaid, and it is highly expedient that the said townships should be entirely separate and distinct from the said liberty of *Ripon*; be it therefore enacted, that from and after the passing of this act, the said townships of *Feliskirk* and *Sutton-under-Whitestonecliffe*, and the said townships of *Kilburn* and *Marion Lordship*, be absolutely removed and separated out of and from the said liberty of *Ripon*, and out of and from the jurisdiction thereof, and become parts of the said north riding, to all intents and purposes whatsoever, and be solely within the jurisdiction of the said north riding; any custom or usage to the contrary thereof in anywise notwithstanding.

IX. And be it enacted, that this act may be repealed or altered by any other act in this present session of parliament.

Act may be  
repealed or  
altered.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## SEE OF DURHAM.

7 GEORGE 4, CAP. 17.—*An act for remedying inconveniences in the administration of justice, arising from the present vacancy of the see of Durham, and for preventing the like in future.*—Whereas the office of sheriff in the county palatine of *Durham* is held by grant of the bishop of *Durham* for the time being, during the pleasure of the same bishop, and the see of *Durham* is now vacant by the decease of the late bishop thereof; and by reason of his decease the said office of sheriff hath also become vacant, and there was no officer legally authorized to return jurors or to execute writs at the general quarter session of the peace for the said county palatine in the week after the clause of *Easter*; and it is necessary to provide a remedy for the inconveniences which may ensue therefrom, and in other respects from the vacancy of the said office of sheriff; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the last sheriff of the said county palatine, his deputy or deputies, and all other officers and ministers of justice within the same, whose offices determined on the decease of the late bishop of the said see, shall be and they are hereby continued in their respective offices from the decease of the said late bishop for the term of six calendar months thence next ensuing, in as full and ample manner to all intents and purposes as if the said see had not become vacant, unless the succeeding bishop of the said see shall sooner determine the same or any of them; and that the said sheriff, officers and minister respectively, shall have the like power and authority of executing and returning all writs and precepts to him or them directed or to be directed, and of doing all other acts to their respective offices appertaining, as fully and effectually as if the said see had not become vacant; and that all trials and other proceedings had and taken, or to be had and taken, in the court of quarter session holden for the said county palatine in the week after the clause of *Easter*, or at any adjournment thereof, and all judgments and orders there pronounced and made, and all sentences and punishments there passed and awarded, shall be good, valid and effectual to all intents and purposes whatsoever, any law or usage to the contrary notwithstanding: provided always, that nothing herein contained shall be construed to legalise or render valid any act which would not have been legal or valid if the said see had not become vacant.

The last sheriff, &c. of Durham to continue in office for six months from decease of the late bishop, unless succeeding bishop shall sooner determine same.

Proceedings at the last Easter quarter session valid.

Determination of grants of office hereafter to be made by any bishop of Durham.

II. And, for preventing the like inconveniences in future, be it further enacted, that no grant or appointment of or to any office or employment concerning the administration of justice in the said county palatine, hereafter to be made by any bishop of the said see, shall cease, determine or be void by reason of the death of any such bishop, but every such grant and appointment shall continue in full force for the term of six calendar months after any such death, unless

in the mean time determined by any succeeding bishop of the said see.

III. And be it further enacted, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices and others, without being specially pleaded. Public act.

6 & 7 WILLIAM 4, CAP. 19.—*An act for separating the palatine jurisdiction of the county palatine of Durham from the bishopric of Durham.*—See Title—"BISHOPRIC OF DURHAM," vol. i. p. 335.

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FOR REFERENCE, IF NECESSARY,

TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.



## SEPARATISTS.

3 & 4 WILLIAM 4, CAP. 82.—*An act to allow the people called separatists to make a solemn affirmation and declaration instead of an oath.*—Whereas there are in various places in *Ireland*, and in some parts of *England*, and elsewhere, certain dissenters from the united church of *England* and *Ireland*, and from the church of *Scotland*, commonly called separatists, the members of which class or sect of dissenters, from conscientious scruples, refuse to take an oath in courts of justice and other places, and in consequence thereof are exposed to great losses and inconveniences in their trades and concerns, and are subject to fines and to imprisonment for contempt of court, and the community at large are deprived of the benefit of their testimony: and whereas it is therefore expedient that the said sect called separatists should be relieved in manner hereinafter mentioned; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that every person for the time being belonging to the said sect called separatists, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or may be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following; *videlicet*,

Separatists, instead of an oath, may make the following affirmation.

**I** *A. B.* do, in the presence of Almighty God, solemnly, sincerely, and truly affirm and declare that I am a member of the religious sect called separatists, and that the taking of any oath, is contrary to my religious belief, as well as essentially opposed to the tenets of that sect; and I do also in the same solemn manner affirm and declare. Which said solemn affirmation or declaration shall be adjudged and taken and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice and other places whatsoever where by law an oath is or may be required, as if such separatists had taken an oath in the usual form.

Such affirmation shall have the effect of an oath.

Persons making a false affirmation to be subject to the same punishment as for perjury

**II.** And be it further enacted, that if any person making such solemn affirmation or declaration shall in fact not be one of the people commonly called separatists, or shall wilfully, falsely, and corruptly affirm or declare any other matter or thing which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties and forfeitures as by the laws and statutes of this kingdom are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

1 & 2 VICTORIA, CAP. 5.—*An act for the relief of Quakers, Moravians, and separatists elected to municipal offices.*—See Title—"QUAKERS," vol. iv. p. 126.

1 & 2 VICTORIA, CAP. 15.—*An act for the further relief of Quakers, Moravians, and separatists.*—See Title—"QUAKERS," vol. iv. p. 127.

## SIMONY.

31 ELIZABETH, CAP. 6, SECS. 5—10.—*An act against abuses in election of scholars, and presentation to benefices.*—See Title—"UNIVERSITIES."

1 WILLIAM & MARY, CAP. 16.—*An act that the simoniacal promotion of one person may not prejudice another.*—Whereas it hath 31 Eliz. c. 6. often happened, that persons simoniac or simoniacally promoted to benefices or ecclesiastical livings, have enjoyed the benefit of such livings many years, and sometimes all their life time, by reason of the secret carriage of such simoniacal dealing; and after the death of such simoniac person, another person innocent of such crime, and worthy of such preferment, being presented or promoted by another patron innocent also of that simoniacal contract, have been troubled and removed upon pretence of lapse (or otherwise) to the prejudice of the innocent patron in reversion, and of his clerk, whereby the guilty go away with profit of his crime, and the innocent succeeding patron and his clerk are punished, contrary to all reason and good conscience:

II. For prevention whereof, be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that after the death of the person so simoniacally promoted, the offence or contract of simony shall, neither by way of title in pleading, or in evidence to a jury or otherwise, hereafter be alleged or pleaded, to the prejudice of any other patron innocent of simony, or of his clerk by him presented or promoted, upon pretence of lapse to the crown, metropolitan or otherwise, unless the person simoniac or simoniacally presented, or his patron, was convicted of such offence at the common law, or some ecclesiastical court, in the lifetime of the person simoniac or simoniacally promoted or presented; any law or statute to the contrary notwithstanding.

III. And be it also provided, enacted, and declared by the authority aforesaid, that no lease or leases, really and *bona fide* made, or hereafter to be made, by any such person as aforesaid simoniac or simoniacally promoted to any deanery, prebend, or parsonage, or other ecclesiastical benefice or dignity, for good and valuable consideration, to any tenant or person not being privy unto, or having notice of such simony, shall be impeached or avoided for or by reason of such simony, but shall be good and effectual in law, the said simony notwithstanding.

12 ANNE, STAT. 2, CAP. 12.—*An act for the better maintenance of curates within the church of England; and for preventing any ecclesiastical persons from buying the next avoidance of any church preferment.*—Whereas the absence of beneficed ministers ought to be supplied by curates that are sufficient and licensed preachers, and no curates or ministers ought to serve in any place without the

Simoniacal contract where it shall not prejudice Vin. v. 19, 453, &c.  
2 Haw. P. C. 389 & 396.

Lease made bona fide by simonist good.

After 20  
Sept. 1714,  
bishop, &c.  
to appoint a  
stipend to  
curates, not  
exceeding  
£50 per ann.  
nor less than  
£20 and on  
neglect of  
payment may  
sequester  
the benefice.

Penalty of  
taking for  
any sum of  
money, &c.  
the next  
avoidance,  
&c.  
31 Eliz. c. 6.  
1 W. & M.  
stat. 1, c. 16.

examination and admission of the bishop of the diocese, or ordinary of the place, having episcopal jurisdiction: but nevertheless, for want of sufficient maintenance and encouragement for such curates, the cures within that part of *Great Britain* called *England*, have been in several places meanly supplied: for remedy whereof, be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that if any rector or vicar having cure of souls shall, from and after the nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and fourteen nominate and present any curate to the bishop or ordinary, to be licensed or admitted to serve the cure of such rector or vicar in his absence, the said bishop or ordinary, having regard to the greatness of the cure, and the value of the ecclesiastical benefices of such rector or vicar shall, on or before the granting such licence, appoint by writing under his hand and seal a sufficient certain stipend or allowance, not exceeding fifty pounds *per annum*, nor less than twenty pounds *per annum*, to be paid or answered at such times as he shall think fit, by such rector or vicar, to such curate, for his support and maintenance; and if it shall appear to the bishop or ordinary, upon complaint or otherwise, that any curate of such rector or vicar, licensed or admitted before the said nine and twentieth day of *September* in the year of our Lord one thousand seven hundred and fourteen, hath not a sufficient maintenance, it shall be lawful to and for the said bishop or ordinary to appoint him a certain stipend or allowance in like manner as before mentioned; and in case any difference shall arise between any rector or vicar and his curate, touching such stipend or allowance, or the payment thereof, the bishop or ordinary, on complaint to him made, shall summarily hear and determine the same; and in case of neglect or refusal to pay such stipend or allowance, may sequester the profits of such benefice, for or until payment thereof.

II. And whereas some of the clergy have procured preferments for themselves by buying ecclesiastical livings, and others have been thereby discouraged; be it further enacted by the authority aforesaid, that if any person, from and after the twenty-ninth day of *September* one thousand seven hundred and fourteen, shall or do, for any sum of money, reward, gift, profit or advantage, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant or other assurance, of or for any sum of money, reward, gift, profit or benefit whatsoever, directly or indirectly, in his own name, or in the name of any other person or persons, take, procure, or accept the next avoidance of, or presentation to any benefice with cure of souls, dignity, prebend or living ecclesiastical, and shall be presented or collated thereupon, that then every such presentation or collation, and every admission, institution, investiture and induction upon the same, shall be utterly void, frustrate, and of no effect in law, and such agreement shall be deemed and taken to be a simoniacal contract; and that it shall and may be lawful to and for the queen's majesty, her heirs and successors, to present or collate unto, or give or bestow every such benefice, dignity, prebend and living ecclesiastical, for that one time or turn only;

and the person so corruptly taking, procuring, or accepting any such benefice, dignity, prebend or living, shall thereupon, and from thenceforth, be adjudged a disabled person in law to have and enjoy the same benefice, dignity, prebend or living ecclesiastical, and shall also be subject to any punishment, pain or penalty, limited, prescribed or inflicted by the laws ecclesiastical, in like manner as if such corrupt agreement had been made after such benefice, dignity, prebend, or living ecclesiastical had become vacant; any law or statute to the contrary in anywise notwithstanding.

7 & 8 GEORGE 4, CAP. 25.—*An act for the relief of certain spiritual persons and patrons of ecclesiastical preferments, from certain penalties; and rendering valid certain bonds, covenants, or other assurances for the resignation of ecclesiastical preferments.*—See Title—"PRESENTATION," vol. iv. p. 8.

9 GEORGE 4, CAP. 94.—*An act for rendering valid bonds, covenants, and other assurances for the resignation of ecclesiastical preferments, in certain specified cases.*—See Title—"PRESENTATION," vol. iv. p. 11.

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SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.



## STAMPS AND DUTIES.

5 WILLIAM & MARY, CAP. 21, SECS. 2 & 3.—*An act for granting to their majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France.*

II. Be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, that from and after the eight and twentieth day of June which shall be in the year of our Lord one thousand six hundred ninety-four, there shall be throughout their majesties' kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, raised, collected, and paid unto their majesties, their heirs and successors, during the term of four years, and no longer, for the several and respective things hereinafter mentioned, which shall be written or engrossed, during the term aforesaid, over and above the rates, duties, and sums of money, now due and payable to their majesties, or to any person or persons, bodies politic or corporate whatsoever, for the same, the several and respective rates, impositions, duties, charges, and sums of money hereinafter expressed, in manner and form following (that is to say)

Duty upon things written and engrossed for four years.

III. For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of *England*, or the seal of the duchy or county palatine of *Lancaster*, or of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politic or corporate, or exemplifications of the same, shall be engrossed or written, the sum of forty shillings. .... Particular rates.

For every skin or piece of vellum or parchment, or sheet of paper, upon which any presentation or donation which shall pass the great seal of *England*, or upon which any collation to be made by any archbishop, or other bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, shall be engrossed or written, the sum of forty shillings; provided such benefice, dignity, or promotion, be of the yearly value of ten pounds or above in the king's books. For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any register, entry, testimonial, or certificate of any degree taken in either of the two universities, or four inns of court, shall be engrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper on which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty, from the lord archbishop of *Canterbury*, or the master of the faculties, for the time being, shall be engrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which any admittance of any fellow of the college of physicians or of any attorney, clerk, advocate, proctor, notary, or other officer or officers, in

Certificates  
of marriage,  
&c.

Commissions  
of ecclesiastical  
courts.

Bachelors'  
degrees in  
the univer-  
sities.

any court whatsoever, shall be engrossed or written, the sum of forty shillings. For every skin or piece of vellum or parchment, or sheet of paper, upon which any appeal from the court of admiralty, arches of the prerogative courts of *Canterbury* or *York*, shall be engrossed or written, the sum of forty shillings. .... For every skin or piece of vellum or parchment, or sheet of paper, upon which any institution, or licence that shall pass the seal of any archbishop or bishop, chancellor or other ordinary, or any ecclesiastical court whatsoever, shall be engrossed or written, the sum of five shillings. .... For every skin or piece of vellum or parchment, or sheet of paper, upon which any *significavit pro corporis deliberatione* shall be engrossed or written, the sum of five shillings. .... For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any licence for or certificate of marriage, or any letters of mart, shall be engrossed or written, the sum of five shillings. .... For every skin or piece of vellum or parchment, or sheet of paper, upon which any commissar issuing out of any ecclesiastical court, not herein otherwise particularly charged, shall be engrossed or written, the sum of two shillings and sixpence. .... For every skin or piece of vellum or parchment, and for every sheet or piece of paper, upon which any admission into any corporation or company, or any matriculation in either of the two universities, or any admission into any of the inns of court or inns of chancery, shall be engrossed or written, the sum of one shilling. For every piece of parchment or paper, upon which any affidavit shall be engrossed or written (except affidavits taken pursuant to the several acts made in the thirtieth and two and thirtieth years of the reign of king *Charles* the second, for burying in woollen, and except such affidavits as shall be taken before the officers of their majesties' customs, or any justice or justices of the peace, or before any commissioners appointed or to be appointed by any act of parliament for the assessing or levying any aids or duties granted or to be granted to their majesties, and which affidavits shall be taken by the said officers of the customs, justices or commissioners, by virtue of their authority as justices of the peace, or commissioners respectively, and not otherwise) the sum of sixpence. And for every piece of parchment or paper, upon which any copy of such affidavit, as is hereinbefore charged, that shall be filed or read in any court whatsoever, shall be engrossed or written, the sum of sixpence. For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be engrossed or written any indenture, lease, or deed poll, not hereby otherwise charged, the sum of sixpence. .... For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be engrossed or written any citation or monition made in any ecclesiastical court, or any libel or allegation, deposition, answer, sentence, or final decree, or any inventory exhibited in any ecclesiastical court, the courts of admiralty, or cinque ports, or whereupon any copies of them respectively shall be engrossed or written, the sum of sixpence. For every skin or piece of vellum, parchment or sheet of paper, upon which any charter party, policy of assurance, passport, bond, release, contract, or other obligatory instrument, or any protest, procuration, letter of attorney,

or any other notarial act whatsoever shall be engrossed or written, the sum of sixpence. .... For every skin or piece of vellum or parchment, or sheet of paper, upon which a copy of any will shall be engrossed or written, the sum of one penny.

6 & 7 WILLIAM & MARY, CAP. 6, SECS. 2—14, 24, 52, 53, & 63.—

*An act for granting to his majesty certain rates and duties upon marriages, births, and burials, and upon bachelors and widowers, for the term of five years, for carrying on the war against France with vigour.*

II. Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of *May*, in the year of our lord, one thousand six hundred ninety and five, for and during the term of five years, to commence and be accounted from the said first day of *May*, and no longer, there shall be raised, and levied and paid to his majesty, his heirs and successors (over and above all other duties whatsoever) for and upon the burial of all persons, who shall be buried within the said term of five years, at any place within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, the several and respective duties and sums of money hereinafter mentioned (that is to say);

Duties given upon burials for five years.

III. For, and upon the burial of every person the sum of four Particulars. shillings. [For remainder of sec. 3, see vol. i. p. 371.]

IV. And be it further enacted by the authority aforesaid, that the several and respective duties and sums of money granted, as aforesaid, upon the burials of the several persons before mentioned, as the same shall severally become due and payable, shall be answered and paid to his majesty, his heirs and successors for the aforesaid term of five years, by the respective heirs, executors or administrators of every such person so buried, as aforesaid, before any other debts or duties whatsoever; and in default of payment thereof to the collectors of the said duty upon demand, the same shall be charged upon, and levied by distress upon the lands, tenements and hereditaments, or the goods and chattels of the persons so buried, in such manner as hereinafter is directed; and the respective duties hereby charged upon the burial of any person, who shall at the time of his or her death, be under the age of one and twenty years, shall be answered and paid by the father of such person (if living at the time of the death of such person under age) and if the father be then dead, by the mother, if she be then living, or otherwise, by the guardian, trustee, executor or administrator of such person; and the duty charged upon the burial of any wife, shall be paid by the husband of such wife.

Payment into the exchequer.

Manner of levying.

Parents for children, &c.

V. And be it further enacted by the authority aforesaid, that from and after the said first day of *May*, for, and during the term of five years and no longer, there shall be raised, levied and paid to his majesty, his heirs and successors, for, and upon the birth of every person except as hereinafter is excepted) who shall be born within the said term of five years, at any place within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, the several and respective duties and sums of money hereinafter mentioned (that is to say);

Duties upon births for five years.



Particulars.

VI. For, and upon the birth of every person and child (except the child or children of such as receive alms) the sum of two shillings; ..... and for, and upon the birth of every son or daughter of an archbishop, bishop, dean, archdeacon, canon, prebendary, doctor of divinity, law or physic, the sum of twenty shillings, over and above the said two shillings; and for, and upon the birth of every son or daughter of every person having a real estate of the value of fifty pounds *per annum* or upwards, or a personal estate of the value of six hundred pounds or upwards, and not hereby otherwise charged under any of the ranks, orders, qualifications or degrees hereinbefore mentioned, the sum of ten shillings, over and above the said two shillings.

Births of  
children paid  
by parents,  
&c.

VII. And be it further enacted by the authority aforesaid, that the said several and respective sums of money, so imposed as aforesaid, for and upon the birth or births of any child or children within the kingdom, or the dominion, or town aforesaid, shall be charged upon, and answered and paid to his majesty, his heirs and successors for the aforesaid term of five years, by the father, if living at the time of the birth of any such child or children, and if he shall be dead at the time of any such birth, by the mother of such child or children, so born; and in case of the death of such father and mother, at the time of the birth, by such person or persons who shall take upon him, her, or them, the guardianship or care of such child or children so born, to be reimbursed again in the first place, out of the real or personal estate of such child or children so born, (if any) to be levied in such manner as is hereinafter directed.

Duties upon  
marriages,  
for five years.

VIII. And be it further enacted by the authority aforesaid, that from and after the said first day of *May*, for and during the said term of five years, there shall be raised, levied and paid to his majesty, his heirs and successors, for, and upon every marriage of any persons (except as hereinafter is excepted) who shall be married within the said term of five years, and no longer, at any place within the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, the several and respective duties and sums of money hereinafter mentioned (that is say):

Particulars.

IX. For, and upon the respective marriage of every person (except such as receive alms) the sum of two shillings and sixpence. .... And for, and upon the marriage of every person of the degree of an archbishop, the sum of fifty pounds, over and above the said two shillings and sixpence; and for, and upon the marriage of every person of the degree of a bishop, the sum of twenty pounds, over and above the said two shillings and sixpence; and for and upon the marriage of every person of the degree of a dean of any cathedral or collegiate church, the sum of ten pounds over and above the said two shillings and sixpence; and for, and upon the marriage of every person of the degree of an archdeacon, the sum of two pounds and ten shillings, over and above the said two shillings and sixpence; and for, and upon the marriage of every person of the degree of a canon or prebendary of any cathedral or collegiate church, the sum of two pounds and ten shillings, over and above the said two shillings and sixpence; and for, and upon the marriage of every person of the degree of a doctor of divinity, law or physic, the

sum of five pounds, over and above the said two shillings and sixpence; and for and upon the marriage of every son of an archbishop, bishop, dean, archdeacon, canon, prebendary, doctor of divinity, law or physic, the sum of twenty shillings, over and above the said two shillings and sixpence; and for, and upon the marriage of every person having a real estate of the value of fifty pounds *per annum*, or upwards, or a personal estate of the value of six hundred pounds or upwards, and not otherwise hereby charged under the several dignities, ranks, orders, qualifications or degrees hereinbefore mentioned, the sum of twenty shillings, over and above the said two shillings and sixpence; and for, and upon the marriage of every son of every such person or persons having such real or personal estate, as aforesaid, the sum of ten shillings over and above the said two shillings and sixpence.

X. And be it further enacted by the authority aforesaid, that the several and respective duties and sums of money, so to be raised and paid by marriages, as aforesaid, as the same shall severally become due and payable, shall be charged upon, and answered, and paid to his majesty, his heirs and successors, for the aforesaid term of five years, by the husband upon demand.

Husbands to pay duties.

XI. And be it further enacted by the authority aforesaid, that every person inhabiting and residing, or which shall inhabit and reside in the kingdom of *England*, dominion of *Wales* or town of *Berwick-upon-Tweed*, being a bachelor above the age of five and twenty years (except such as receive alms) shall from and after the first day of *May*, during the said term of five years, or so long time thereof as he shall continue a bachelor, and no longer, pay to his majesty, his heirs and successors, the sum of one shilling yearly.

Duty upon bachelors, and widowers without children for five years.

XII. And be it further enacted by the authority aforesaid, that every person inhabiting and residing, or which shall inhabit and reside in the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, being a widower, and having no child or children (except such as receive alms) shall from and after the said first of *May*, during the said term of five years, or so long time thereof as he shall continue a widower, and no longer, pay unto his majesty, his heirs and successors, the sum of one shilling yearly.

XIII. And be it further enacted by the authority aforesaid, that from and after the said first day of *May*, all and every person and persons of the several orders, ranks, degrees and qualifications hereinafter mentioned, inhabiting and residing, or which shall happen to inhabit and reside in the kingdom of *England* dominion of *Wales*, and town of *Berwick-upon-Tweed*, being bachelors above the age of five and twenty years, or widowers without any child or children, shall pay to his majesty, his heirs and successors yearly, during the said term of five years, or for so long time thereof as they shall continue unmarried and no longer, the several and respective duties and sums of money hereinafter mentioned, over and above the said yearly sum of one shilling, (that is to say); ..... every person of the degree of an archbishop, the yearly sum of twelve pounds and ten shillings; every person of the degree of a bishop, the yearly sum of five pounds; every person of the degree of a dean of any cathedral or collegiate church, the yearly sum of two pounds and ten

Particulars.

shillings; every person of the degree of an archdeacon, the yearly sum of twelve shillings and sixpence; every canon or prebendary of any cathedral or collegiate church, the yearly sum of twelve shillings and sixpence; every person of the degree of a doctor of divinity, law, or physic, the yearly sum of one pound and five shillings; every son of an archbishop, bishop, dean, archdeacon, canon, prebendary, doctor of divinity, law or physic, the yearly sum of five shillings; every other person having a real estate of the value of fifty pounds *per annum* or upwards, or a personal estate of the value of six hundred pounds or upwards, and not charged under any of the orders, ranks, degrees or qualifications aforesaid, the yearly sum of five shillings; and every son of such person having such real or personal estate, the yearly sum of two shillings and sixpence; which said several and respective yearly sums hereby charged, shall be paid by two equal half-yearly payments, at the two most usual feasts in the year (that is to say) at the feasts of *Saint Michael* the archangel, and the annunciation of the blessed virgin *Mary*.

Person to pay only for his highest degree.

XIV. Provided always, and be it enacted, that no person shall by virtue of this act, be doubly charged, for, or in respect of the several titles, honours or degrees, but that every such person shall be charged and chargeable for such title, honour or degree only, as is highest rated by this act. [For sec. 24, see vol. i. p. 372.]

Penalty upon vicar marrying in privileged place without licence.

LII. And be it further enacted by the authority aforesaid, that no person shall be married at any place pretending to be exempt from the visitation of the bishop of the diocese, without a licence first had and obtained, except the banns shall be published and certified according to law; and that every parson, vicar and curate, who shall marry any persons contrary to the true intent and meaning hereof, shall forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint or information in any of his majesty's courts of record, one moiety whereof to the king, his heirs and successors, and the other moiety to the informer who shall sue for the same, and shall for the second offence be suspended *ab officio et beneficio*, for the space of three years.

Fellows of colleges exempt from the tax.

LIII. And whereas the fellows, students, scholars and exhibitioners of the foundations of endowments of any college or hall in the two universities, are, by the statutes in their respective colleges and halls, to be displaced from their places and maintenance therein, if they shall marry: be it enacted by the authority aforesaid, that the rates and taxes by this act imposed, or to be imposed on bachelors, shall not extend to such fellows, students or scholars of houses, or scholars having exhibitions in any such colleges or halls; any thing herein contained to the contrary notwithstanding.

Quakers, papists, and Jews cohabiting, to pay, but not to make their marriages good in law.

LXIII. Provided always and be it further enacted by the authority aforesaid, that all persons commonly called *Quakers*, or reputed such, and all papists or reputed papists, whether they are popish recusants convict, or not, and all *Jews*, or any other persons who shall cohabit and live together as man and wife, shall and are hereby made liable to pay the several and respective duties and sums of money payable upon marriages, according to their respective degrees, titles, orders and qualifications, as they ought to have paid by virtue of this act, if they had been married according to the law of *England*; which

duties and sums of money shall be collected, levied and paid in such manner, and subject to such rules and directions, and under such penalties and forfeitures, as are in this act specified and contained, for and concerning payment of the several and respective duties payable upon marriages, any thing herein contained to the contrary notwithstanding; and upon every pretended marriage which shall be made by any such person, within the said term of five years, according to the method and forms used amongst them, the man so entering into such pretended state of matrimony, shall within five days after, give notice thereof to the collectors, or one of them, of the parish or place where he lives; and in default of giving such notice, he shall forfeit the sum of five pounds, one moiety thereof to the king's majesty, the other moiety to the informer.

8 & 9 WILLIAM 3, CAP. 20, SECS. 12—14, 16 & 17.—*An act for making good deficiencies of several funds therein mentioned; and for enlarging the capital stock of the bank of England; and for raising the public credit.*

XII. Be it further enacted by the authority aforesaid, that the several rates and duties granted to their said majesties, by an act made in the fifth and sixth years of their reign, intituled *an act for granting to their majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France*, and which were thereby to commence from and after the eight and twentieth day of *June* one thousand six hundred ninety-four, shall be, and are hereby continued after the expiration of the said term of four years, until the first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six; and that the said act, and all powers, provisions, articles, and clauses, therein contained, shall continue and be of full force and effect until the said first day of *August* one thousand seven hundred and six, and shall be applied, practised, and executed, for the raising, levying, collecting, answering, and paying the said duties hereby continued, according to the tenor and intent of this present act, as fully to all intents and purposes, as if the said last mentioned act, and all and every the clauses, matters, and things, therein contained, had been again repeated and enacted in this act particularly.

5 & 6 W. & M.  
c. 21.  
Duties on  
vellum,  
parchment,  
and paper,  
continued  
until 1706.

XIII. Provided always, and it is hereby further enacted, that in all cases where any further or other provision, or any alteration, is made by any other act or acts of parliament now in being, in relation to the said duties upon vellum, parchment, and paper, such other provisions or alterations shall be observed and complied with during the continuance of the term hereby granted in the same duties; any thing herein contained to the contrary notwithstanding.

Proviso.

XIV. And be it further enacted by the authority aforesaid, that the rates, duties, impositions, and sums of money, granted to his majesty, by an act passed in the sixth and seventh years of his reign, intituled *an act for granting to his majesty certain rates and duties upon marriages, births, and burials, and upon bachelors, and widowers, for the term of five years, for carrying on the war against France with vigour*, and which were thereby to commence from the first day of *May* one thousand six hundred ninety-five, shall be, and are hereby continued, from and after the expiration of the said term

Duties on  
marriages,  
births, and  
burials, by  
6 & 7 W. 3,  
c. 6, contin-  
ued until  
1706.  
EXP.

of five years, until the said first day of *August*, which shall be in the year of our Lord one thousand seven hundred and six, and no longer, and shall be raised, levied, collected, answered, and paid unto his majesty, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as are mentioned in the same act for raising, levying, collecting, answering, and paying the same, and which were thereby prescribed for the four last years of the term thereby granted; and that the said recited act last mentioned, and every article, rule, and clause, therein mentioned, as for and concerning the said rates, duties, and impositions, shall continue and be in full force to the said first day of *August* one thousand seven hundred and six, as fully and amply as if the same were particularly recited, expressed, and enacted in the body of this act.

The king may appoint officers for surveying the duties on marriages, &c.

And for numbering windows in each house not assessed at ten shillings.

Officers to supervise the registers of marriages, &c.

and the assessments of windows, and take an extract and view twice a year.

XVI. And for the better ascertaining and collecting the said several rates and duties upon marriages, births, and burials, and upon batchelors, and widowers, and the said several rates and duties upon houses; be it enacted, that it shall and may be lawful to and for his majesty, his heirs and successors, from and after the five and twentieth day of *March* one thousand six hundred ninety and seven, from time to time to give directions for constituting and appointing such person or persons, as his majesty, his heirs and successors, shall think meet, to be the officer or officers for the survey and inspection of the rates and duties arising upon marriages, births, and burials, and upon batchelors, and widowers, and of the register or registers of all such marriages, births, and burials, within the several counties of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, and also of the duties arising upon houses within the same, and for viewing and numbering the several windows in each house (not already assessed at the rate of ten shillings) and for the inspecting and examining the assessments, or certificates thereof made and to be made from time to time in pursuance of the said acts for granting the said rates or duties, or any other thing belonging to the same: which officers, or any of them, shall have full power to examine and supervise the register and registers of all marriages, births, and burials, and of the assessments of the same, and the assessments of the windows rated in every parish and place, as aforesaid, and to take copy or copies, or extracts of such register and assessments, and at seasonable times, with a constable, headborough, tithingman, or other officers of the respective parishes or places within the several counties of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, who are hereby required to assist accordingly, to view and examine whether there be any more windows (in houses not rated ten shillings) than is certified and rated in such assessment, and shall have liberty to make like view, examination, and inspection, twice in the year at the least, during the continuance of the said several duties by this or the said former acts for granting the same; and if upon or after such view, or examination and inspection of the registers and assessments, as aforesaid, such officer or officers shall find that any person or premises are under rated, or not rated and charged as by the said acts or either of them are directed and appointed, such officer or officers

shall certify the same to the commissioners, or any two or more of them, within the division, hundred, parish, or place, wherein such neglect or failure shall happen to be, which said commissioners, or any two or more of them, shall, and are hereby required to cause such rate or rates to be set upon every such person and premises, as shall be according to the true intent and meaning of the said acts, and either of them.

XVII. And whereas bachelors and widowers that are servants in husbandry, by their frequent removals are returned as fugitives, and escape the payment of the duties to which they are liable by the said act; be it further enacted, that the duty or duties wherewith such servant or servants shall be charged, shall from time to time be paid by the master or mistress of such servant, and be deducted out of his, her, or their wages; any thing in the said act contained to the contrary notwithstanding.

Duty for servants in husbandry to be paid by the master, &c.

9 & 10 WILLIAM 3, CAP. 25, SECS. 1, 2, 7—9, 11, 12, 14, 16, 23, 27—29, 36, 37, 41, 49, 51 & 53.—*An act for granting to his majesty, his heirs and successors, further duties upon stamped vellum, parchment, and paper.*—Most gracious sovereign, we your majesty's most dutiful and loyal subjects, the commons in parliament assembled, being desirous to raise such aids and supplies as may be proportionable to your majesty's great and extraordinary occasions, do humbly present your majesty with the free gift of the further rates and duties hereinafter mentioned; and do beseech your majesty that it may be enacted; and be enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by authority of the same, that from and after the first day of *August* in the year of our Lord one thousand six hundred ninety-eight, there shall be throughout the kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, raised, collected, and paid unto his majesty, his heirs and successors, for ever, for the several and respective things hereinafter mentioned, which shall be written or engrossed at any time or times after the said first day of *August* one thousand six hundred ninety-eight (over and above the rates and duties, and sums of money, now due and payable to his majesty, or to any person or persons, bodies politic or corporate whatsoever for the same) the several and respective rates, impositions, duties, charges, and sums of money hereinafter expressed, in manner and form following (that is to say)

9 W. 3, c. 44.  
3 Geo. 3, c. 30.  
4 Geo. 3, c. 9.  
Vin. v. 19, 490.  
Burn, v. 2, 454.

From 1 Aug. 1696, for ever shall be paid to the king, his heirs, &c.

over and above the sums now payable, the duties following, viz.

II. For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of *England*, or the seal of the duchy or county palatine of *Lancaster*, of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politic or corporate, or exemplifications of the same, shall be engrossed or written (commissions of rebellion in process always excepted) the sum of forty shillings.

Grants or letters patents, &c. forty shillings per skin or piece.

VII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any presentation or donation which shall pass the great seal of *England*, or upon which any collation to be made by any archbishop, or other bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, shall be engrossed

Presentation or donation, &c. forty shillings.

or written, the sum of forty shillings; provided such benefice, dignity, or promotion be of the yearly value of ten pounds or above in the king's books.

Dispensation to hold two benefices forty shillings.

VIII. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, shall be engrossed or written, the sum of forty shillings.

Admittance to fellowship or attorney, &c. forty shillings.

IX. For every skin or piece of vellum or parchment, sheet or piece of paper, upon which admittance of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer or officers in any court whatsoever, shall be engrossed or written, the sum of forty shillings.

Appeal from the admiralty, arches, &c. forty shillings.

XI. For every skin or piece of vellum or parchment, or sheet of paper, upon which any appeal from the court of admiralty, arches, or the prerogative courts of *Canterbury* or *York*, shall be engrossed or written, the sum of forty shillings.

Exemplification, five shillings.

XII. For every skin of vellum or parchment, upon which any exemplification, of what nature soever, that shall pass the seal of any court whatsoever, shall be engrossed or written, the sum of five shillings.

Institution or licence under bishop's seal, &c. five shillings.

XIV. For every skin or piece of vellum or parchment, or sheet of paper, upon which any institution or licence that shall pass the seal of any archbishop or bishop, chancellor, or other ordinary, or any ecclesiastical court whatsoever, shall be engrossed or written, the sum of five shillings.

Significavit, &c. five shillings.

XVI. For every skin or piece of vellum, parchment, or sheet of paper, upon which any *significavit pro corporis deliberatione* shall be engrossed or written, the sum of five shillings.

Ecclesiastical commission, &c. two shillings and sixpence.

XXIII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any commission issuing out of any ecclesiastical court, not herein otherwise particularly charged, shall be engrossed or written, the sum of two shillings and sixpence.

Admission, &c. one shilling.

XXVII. For every skin or piece of vellum or parchment, and for every sheet or piece of paper, upon which any admission into any corporation or company, or any matriculation in either of the two universities, or any admission into any of the inns of court, or inns of chancery, shall be engrossed or written, the sum of one shilling.

Affidavit, sixpence.

XXVIII. For every piece of parchment or paper, upon which any affidavit shall be engrossed or written (except affidavits taken pursuant to several acts made in the thirtieth and two and thirtieth years of the reign of king *Charles* the second, for burying in woollen; and except such affidavits as shall be taken before the officers of the customs, or any justice or justices of the peace, or before any commissioners appointed or to be appointed by any act of parliament for the assessing and levying any aids or duties granted or to be granted to his majesty, his heirs or successors, and which affidavits shall be taken by the said officers of the customs, justices or commissioners, by virtue of their authority as justices of the peace or commissioners respectively, and not otherwise) the sum of sixpence.

Exception.

XXIX. For every piece of parchment or paper, upon which any copy of such affidavit, as is hereinbefore charged, that shall be filed or read in any court whatsoever, shall be engrossed or written, the sum of sixpence.

Copy of affidavit filed, &c. sixpence.

XXXVI. For every skin or piece of vellum or parchment, or sheet of paper, upon which shall be engrossed or written any citation or monition made in any ecclesiastical court, or any libel or allegation, deposition, answer, sentence or final decree, or any inventory exhibited in any ecclesiastical court, the courts of admiralty, or cinque ports, or whereupon any copies of them respectively shall be engrossed or written, the sum of sixpence.

Ecclesiastical monition, libel, &c. sixpence.

Copy, &c. sixpence.

XXXVII. For every skin or piece of vellum or parchment, or sheet of paper, upon which any charter party, policy of insurance, passport, bond, release, contract or other obligatory instrument, or any protest, procuration, letter of attorney, or any other notarial act whatsoever, shall be engrossed or written, the sum of sixpence.

Charter party, policy of insurance, &c. sixpence.

XLI. For every skin or piece of vellum or parchment, or sheet of paper, upon which a copy of any will shall be engrossed or written, the sum of one penny.

Copy of will, one penny.

XLIX. And whereas such or the like duties as are by this act charged for ever upon the several skins, sheets or pieces of vellum, parchment and paper, hereinbefore enumerated or mentioned, are also charged upon and payable for the same respectively, until the first day of *August* one thousand seven hundred and six, by several former acts of parliament in that behalf; so that in effect the duties (as to skins, sheets or pieces of vellum, parchment and paper in this act before particularly expressed) are doubled until the said first day of *August* one thousand seven hundred and six, but the said duties by the said former acts, and those by this thereupon, are appropriated or applicable to different purposes, so that it is necessary to have distinct accounts kept of the same: now for the better securing his majesty's dues, and for distinguishing of such skins, sheets or pieces of vellum, parchment and paper as are doubly charged as aforesaid, from those which remain liable only to the single duties on the said former acts; and to the intent that the said duties arising upon this and the said former acts, upon vellum, parchment, and paper, may be issued and applied to the respective uses to which they are severally appropriated or intended; be it further enacted by the authority aforesaid, that all vellum, parchment, and paper, hereinbefore charged, and whereof the duties are hereby intended to be doubled for a time, as aforesaid, shall, before any of the matters or things hereinbefore mentioned to be thereupon engrossed or written (such writing or engrossing being after the said first day of *August* one thousand six hundred ninety-eight, and before the said first day of *August* one thousand seven hundred and six) be first brought to the head office for the said duties, to be stamped and marked with two marks or impressions (that is to say) every such skin, sheet, or piece of vellum, parchment, and paper, having one mark or stamp set thereupon, pursuant to the said former acts, or any of them, before the writing or engrossing any of the matters or things as aforesaid thereupon, shall be brought to the said office, to be stamped with a second mark or impression of the same kind; and every

5 & 6 W. & M. c. 21.  
8 & 9 W. 3, c. 20, s. 12.

After 1 August 1698, every skin of vellum, parchment, or sheet of paper, &c. to be stamped with two marks.

Vellum, &c. once stamped, to be stamped with a second mark.



skin, sheet or piece of vellum, parchment, or paper, having not been stamped or marked with a single stamp or mark, pursuant to the said former acts, or any of them, shall, before the writing or engrossing any of the matters or things as aforesaid thereupon, till the said first day of *August* one thousand seven hundred and six, be brought to the said office, to receive two several marks or impressions of the same kind; of all which double marks or impressions the one shall denote the duty by the said former acts, or some of them, and the other the duty by this present act thereupon: except such skins, sheets, or pieces of vellum, parchment, and paper, which do still remain liable only to the single duties on the said former acts, during the terms thereby granted, and are to have only a single mark or stamp, according to the directions of the said former acts, namely,

Except such as are liable only to single duty, viz.

Certificate of degree in the universities.

Except bachelor of arts.

Marriage licence.

LI. Every skin or piece of vellum, or parchment, or sheet, or piece of paper, upon which any register, entry, testimonial or certificate of any degree, taken in either of the two universities, or four inns of court, shall be engrossed or written (the register or entry of the degree of any bachelor of arts being always excepted) for which skins, pieces, or sheets respectively, a duty of forty shillings is payable by the said former acts only, during the continuance thereof.

LIII. Every skin or piece of vellum, parchment, or sheet, or piece of paper, upon which any licence for, or certificate of marriage, shall be engrossed or written, which are to be liable only to a duty of five shillings by the said former acts.

9 & 10 WILLIAM 3, CAP. 35.—*An act for preventing frauds and abuses in the charging, collecting, and paying the duties upon marriages, births, burials, bachelors, and widowers.*—From twenty-fourth June one thousand six hundred and ninety-nine, justices of the peace to be commissioners for this act. Ecclesiastical person to set down the degrees, &c. of every person christened, &c. and in case of burials, of the heir, &c. Of birth, the father's and mother's name, &c. And of marriage, the place of abode of the husband, &c. Under penalty. Person who ought to pay the duty, to give an account of the degree of the person buried, &c. The words *ecclesiastical persons* to comprehend bishops, where marriages, &c. are celebrated by them.

6 W. 3, c. 6.  
8 W. 3, c. 20.  
7 W. 3, c. 35.  
9 & 10 W. 3, c. 10.  
4 Anne, c. 12, s. 10.

1 ANNE, STAT. 1, CAP. 13.—*An act for making good deficiencies, and for preserving the public credit.*..... Duties on vellum, &c. granted by 5 & 6 William & Mary, c. 21, and continued by 8 William 3, c. 20, continued to one thousand seven hundred and ten.

5 ANNE, CAP. 19, SEC. 3.—*An act for continuing*.....  
*part of the duties on stamped vellum, parchment, and paper.*.....

5 & 6 W. & M. c. 21.

8 & 9 W. 3, c. 20.

III. Be it further enacted by the authority aforesaid, that such of the rates and duties upon vellum, parchment, and paper, as were granted to their said late majesties king William and queen Mary, by an act made in the parliament holden at Westminster, in the fifth and sixth years of their reigns, intituled *an act for granting to their majesties several duties upon vellum, parchment, and paper for four years, towards carrying on the war against France*, and which by an act of parliament made in the eighth year of the reign of his said late majesty king William, were continued until the first day of

*August*, one thousand seven hundred and six, and which by an act of the first year of her now majesty's reign, intituled *an act for making good deficiencies, and preserving the public credit*, were continued from the last day of *July* one thousand seven hundred and six, to the first day of *August* which shall be in the year of our Lord one thousand seven hundred and ten, shall by virtue of this act be further continued, and be due and payable to her majesty, her heirs and successors, from the last day of *July* which shall be in the year of our Lord one thousand seven hundred and ten, for the term of ninety-six years from thence next and immediately ensuing, for the uses and purposes in this act expressed; and that the said act for granting the said duties upon vellum, parchment and paper, and all powers, provisions, penalties, and forfeitures, articles, and clauses therein, or in any other act or acts of parliament now in force, concerning the said duties upon vellum, parchment, and paper, shall continue and be in full force and effect, and shall be applied, practised, and put in execution, for the raising, levying, collecting, answering, and paying, the said duties upon vellum, parchment, and paper, hereby continued, during the said term of ninety-six years, and all arrears thereof, according to the tenor and intent of this act.

1 Anne, st. 1, c. 13.

Rates on vellum, &c. for ninety-six years;

Made perpetual by 1 G. 1, st. 2, c. 12, s. 8.

12 ANNE, STAT. 2, CAP. 9, SEC. 21.—*An act for laying additional duties on ..... stamped vellum, parchment and paper.....*

XXI. Moreover be it enacted by the authority aforesaid, that there shall be throughout the kingdom of *Great Britain*, raised, levied, collected and paid, to and for the use of her majesty, her heirs and successors, for the several and respective matters and things hereinafter mentioned, which at any time or times, within or during the term of two and thirty years, to be reckoned from the said second day of *August* one thousand seven hundred and fourteen, shall be engrossed or written (over and above the rates, duties, and sums of money now due or payable to her majesty, her heirs or successors, for the same) the several and respective rates, duties, charges and sums of money hereinafter expressed, in manner following; that is to say,

Additional duties on stamps.

These duties made perpetual by 6 Geo. 1, c. 4, s. 1.

For every skin or piece of vellum or parchment, on which any grants or letters patents under the great seal of *Great Britain*, or the seal of the duchy or county palatine of *Lancaster*, of any honour, dignity, promotion, franchise, liberty or privilege, to any person or persons, body politic or corporate, or exemplification of the same, shall be engrossed or written (commissions of rebellion in process always excepted) the sum of forty shillings sterling.

Great seal or duchy seal.

For every skin or piece of vellum or parchment, or piece or sheet of paper, upon which any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, shall be engrossed or written, the sum of forty shillings sterling.

Dispensations.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed or written any admittance or instrument for admitting of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer

Admittances

or officers, in any court whatsoever in *Great Britain* (not being an annual officer in any corporation or inferior court, whose office is under the value of ten pounds sterling *per annum* in salary, fees, or other perquisites) the sum of forty shillings sterling.

Appeals.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any appeal from the high courts of admiralty, either in *England* or *Scotland*, court of arches, or the prerogative court of *Canterbury* or *York*, shall be engrossed or written, the sum of forty shillings sterling.

Institution or licence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed or written any institution or licence, that shall pass the seal of any archbishop or bishop, chancellor or other ordinary, or any ecclesiastical court whatsoever in *England*, *Wales*, or *Berwick-upon-Tweed*; or upon which shall be engrossed, written or registered, any writ or instrument for the like purpose, with any such institution or licence, that shall be passed or made by any presbytery, or other spiritual power in *Scotland*, the sum of five shillings sterling (licences to schoolmasters and tutors excepted.)

Bond, &c.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed or written in *Great Britain*, any indenture, lease, bond, or any deed not hereby otherwise charged, the sum of sixpence sterling; except bail bonds and assignments thereof, and indentures for binding poor parish or charity children apprentices, and such deeds executed in *Scotland*, as are charged with the stamp duty of two shillings and three-pence, by an act of parliament made in the tenth year of her present majesty's reign.

1 GEORGE 1, STAT. 2, CAP. 12, SEC. 8.—*An act for enlarging the fund of the governor and company of the Bank of England, ..... and for other purposes therein mentioned.*

Duties on vellum, &c.  
5 Anne, c. 19.

VIII. .... Be it further enacted by the authority aforesaid, ..... that such of the duties upon vellum, parchment and paper, as by the said act of the fifth year of her late majesty's reign were continued for the term of ninety-six years, from the last day of *July* one thousand seven hundred and ten, and by the said act of the sixth year of her late majesty's reign were continued for one year, to take effect after the expiration of the term of ninety-six years last mentioned, shall after the expiration of the said several terms so granted therein, have further continuance, and be paid and payable to his majesty, his heirs and successors for ever.

6 GEORGE 1, CAP. 4, SEC. 1.—*An act for enabling the South Sea company to increase their present capital stock and fund, by redeeming such public debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the public debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled: and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer. ....*

The duty on paper, &c.

Be it enacted ..... that such or the like additional or new rates and duties for and upon ..... several matters and things which should be engrossed or written on stamped vellum, parchment and paper, which in or by the said two acts, the one of the twelfth year of her said late majesty's reign, and the other of the

13 Anne, st. 2,  
c. 9.

first year of his now majesty's reign, or by one of those acts, were granted and laid for a term or several terms of thirty-two years, which commenced from the second day of *August* one thousand seven hundred and fourteen (except as in the same acts or either of them is excepted) shall severally, by virtue of this act, have continuance after the determination of the term and terms of thirty-two years last mentioned, and be paid and payable to his majesty, his heirs and successors for ever.

*1 Geo. 1, st. 2, c. 12.*  
made perpetual.

30 GEORGE 2, CAP. 19, SECS. 1 & 9.—*An act for granting to his majesty several rates and duties upon indentures, leases, bonds and other deeds.....* Most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, towards raising by the most easy means the necessary supplies to defray your majesty's public expenses, have freely and voluntarily resolved to give and grant unto your majesty the several rates and duties, and sums of money hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the fifth day of *July* one thousand seven hundred and fifty-seven, there shall be raised, levied, collected and paid throughout the kingdom of *Great Britain*, unto and for the use of his majesty, his heirs and successors,

Additional  
duties

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written or printed in *Great Britain*, any indenture, lease, bond or other deed, for which a stamp duty of sixpence is payable, by virtue of an act made in the twelfth year of the reign of her late majesty queen *Anne*, over and above all other rates and duties by the said act, or by any other act of parliament imposed, an additional stamp duty of one shilling.

On indentures, leases, bonds and other deeds, 13 Anne, c. 9.

IX. Provided always, that this act, or any thing herein contained, shall not in anywise be prejudicial to the privileges of the two universities in that part of *Great Britain* called *England*, or either of them, nor to the chancellors or scholars of the same, or their successors, but that they may use and enjoy such privileges as they have heretofore lawfully used and enjoyed; any thing herein contained to the contrary notwithstanding.

Privileges of the universities reserved to them.

23 GEORGE 3, CAP. 58, SEC. 1.—*An act for granting to his majesty several additional and new duties upon stamped vellum, parchment, and paper; and also for repealing certain exemptions from the stamp duties.*

—Most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament assembled, towards raising the necessary supplies which we have freely granted unto your majesty in this session of parliament, have resolved to give and grant unto your majesty the several additional and new stamp duties hereinafter mentioned; and do therefore most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of *August* one thousand seven hundred and

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eighty-three, there shall be levied, collected, and paid, throughout the kingdom of *Great Britain*, unto and for the use of his majesty, his heirs and successors, the several stamp duties following; that is to say,

On bonds for above £100 an additional duty of five shillings; for £500 and upwards, ten shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which any bond shall be engrossed, written or printed, given as security for any sum of money, the amount whereof shall exceed one hundred pounds, there shall be charged an additional stamp duty of five shillings; and where the amount thereof shall be of the value of five hundred pounds, or upwards, there shall be charged an additional stamp duty of ten shillings.

On dispensations to hold two ecclesiastical livings, &c. an additional duty of forty shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written or printed, any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, there shall be charged an additional stamp duty of forty shillings.

On every grant or letters patent under the great seal, or seal of the duchy of Lancaster, of any honour, &c. an additional forty shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written, or printed, any grant or letters patent under the great seal of *Great Britain*, or the seal of the duchy or county palatine of *Lancaster*, of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, body politic or corporate, or exemplification of the same (commission of rebellion in process always excepted), there shall be charged an additional stamp duty of forty shillings:

On every admittance of a fellow of the college of physicians, or of an attorney, proctor, &c. an additional forty shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed, written, or printed, any admittance, or instrument for admitting, of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer or officers, in any court whatsoever in *Great Britain* (not being an annual officer in any corporation or inferior court, whose office is under the value of ten pounds *per annum*, in salary, fees, or other perquisites), there shall be charged an additional stamp duty of forty shillings:

On every citation or monition, in any ecclesiastical court, &c. an additional one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, upon which shall be engrossed or written, any citation or monition, made in any ecclesiastical court, or any libel or allegation, deposition, answer, sentence, or final decree, or any inventory exhibited in any ecclesiastical court, the courts of admiralty or cinque ports, or whereupon any copies of them respectively shall be engrossed or written, or upon which shall be engrossed or written any protest, or any other notarial act whatsoever, there shall be charged an additional stamp duty of one shilling.

23 GEORGE 3, CAP. 67, SECS. 1—13, 15.—*An act for granting to his majesty a stamp duty on the registry of burials, marriages, births, and christenings.*—Most gracious sovereign, we, your majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising such supplies as are necessary to defray your majesty's public expenses, do humbly present your majesty with the grant of the new duty hereinafter mentioned; and do beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parlia-

Preamble.

ment assembled, and by the authority of the same, that, from and after the first day of *October*, one thousand seven hundred and eighty-three, there shall be charged, levied, and paid unto and for the use of his majesty, his heirs and successors, the new duty following; (that is to say),

Upon the entry of any burial, marriage, birth, or christening, in the register of any parish, precinct, or place in *Great Britain*, a stamp duty of three-pence.

II. And be it further enacted, that, for the better and more effectual levying and collecting the said duty hereinbefore granted, the same shall be under the government, care, and management, of the commissioners for the time being appointed to manage the duties charged on stamped vellum, parchment and paper; who, or the major part of them, are hereby required and empowered to appoint and employ such officers under them for that purpose, and to allow such salaries and incidental charges as may be necessary, and to provide and use such stamps, to denote the said duty, as shall be requisite in that behalf; and to do all other things necessary to be done for putting this act in execution, with relation to the said duty hereinbefore granted, in the like and in as full and ample manner as they, or the major part of them, are or is authorized to put in execution any former law concerning stamped vellum, parchment, and paper.

III. And be it further enacted, that every parson, vicar, or curate, or other person having authority to make entries of burials, marriages, births, or christenings, who shall, from and after the first day of *October*, one thousand seven hundred and eighty-three, enter any burial, marriage, birth, or christening, in the register for any parish, precinct, or place, in *Great Britain*, before the parchment, vellum, or paper, on which the entry of such register shall be made, shall have been duly stamped, as by this act is directed, every such parson, vicar, curate, or other person, shall, for every such offence, forfeit the sum of five pounds.

IV. And be it further enacted, that every parson, vicar, curate, or other person having authority to make the entry of any burial, marriage, birth, or christening, is hereby vested with full power and authority, previous to the making thereof in the register of any parish, precinct, or place in *Great Britain*, to demand and receive from the undertaker, or other person employed in and about the funeral of any person so to be buried, or from the parties married, or from the parent of the child whose birth or christening is registered, or other person requiring the christening of such child, the sum of threepence: and if such undertaker, or other person, so employed in and about such funeral, or if the parties so married, or the parent of, or other person bringing the child, whose birth or christening shall be so required to be registered, shall neglect or refuse, on demand, to pay the said duty, he, she, or they shall, for every such offence, forfeit and pay the sum of five pounds.

V. And be it further enacted, that the churchwardens and overseers of every parish, or one of them, shall, from time to time, as occasion shall require, provide one or more book or books for the registering of burials, marriages, births, and christenings, with such stamps for each entry to be made therein, as by this act is required;

From Oct. 1, 1783, the following duty to be paid to his majesty; viz.

Upon the entry of every burial, marriage, &c. 3d. The duty to be under the management of the commissioners of stamps.

Penalty on persons, &c. who shall enter any burial, marriage, &c. on unstamped paper.

Parsons, &c. empowered to demand 3d. from the undertaker, or persons married, &c.

and if they refuse to pay the same, they shall forfeit £5.

Churchwardens, &c. to provide books with proper stamps for entering burials, marriages, &c.

and shall pay for such book or books, and the stamps to be contained therein, out of the rates under their or his management, and shall, from time to time, receive back the money, which shall be so paid, from the person authorized by this act to demand and receive the duty hereby imposed, on the entry of any burial, marriage, birth, or christening; and in the case of extra-parochial places, such book or books, with such stamps as aforesaid, shall be provided, from time to time, by the person whose duty it shall be to make entries of burials, marriages, births, and christenings.

Certain cases in which entry may be made without any stamps.

VI. Provided always, and be it further enacted, that no parson, vicar, curate, or other person, shall be subject to any the penalties or forfeitures in this act mentioned, for entering, or causing to be entered, any burial, marriage, birth, or christening, in any parish register, without any marks or stamps thereon, where a licence, under the hands of three of the commissioners for the time being appointed to put this act in execution, or some officer or officers by them empowered, shall have been granted, signifying their or his leave or approbation that the entry of any burial, marriage, birth, or christening, to be written in such register, may be therein written without any marks or stamps thereon; so as the person or persons, having the custody of such register, do, from time to time, when and as often as he or they shall be thereto required, permit the said commissioners, or any of them, or any officer or agent by them, or the major part of them, for that purpose appointed, to inspect and view such register; and do also, from time to time, when and as often as he or they shall be thereto required by the said commissioners, or the major part of them, or any other by them, or the major part of them authorized, pay unto the receiver general for the time being of the said duties, or such other officer or person as the said commissioners, or the major part of them, shall appoint to receive the same, all such sum and sums of money which, according to the true intent and meaning of this act, ought to be paid in respect of all and every such entry and entries as shall be written in such register; any thing herein contained to the contrary thereof notwithstanding.

Not to extend to burials, &c. from any hospital, &c.

VII. Provided also, and be it further enacted, that nothing herein contained shall extend to charge the entry in any parish register of the burial of any person who shall be buried from any workhouse or hospital, or at the sole expense of any charity; nor the entry in any parish register of the birth or christening of any child whose parents shall receive, at the time of the birth and christening of such child, any parish relief.

But to extend to Quakers.

VIII. Provided always, and be it further enacted, that the provisions of this act, with respect to the register of births, burials, and marriages, shall extend to the people called *Quakers*; and that the registers of births, burials, and marriages, now kept by them, shall be subject and liable to the stamp duties hereby imposed upon the registers of births, burials, marriages, and christenings; any thing herein, or in any other law contained, to the contrary notwithstanding.

An allowance of 2s. in the pound to be made to parsons, &c. for their trouble.

IX. And be it further enacted, that the said receiver general of the stamp duties at the head of office, and the head distributors of stamped vellum, parchment, and paper, or other person or persons duly appointed by the major part of the said commissioners of stamp

duties to receive the duty by this act imposed, shall make an allowance to every parson, vicar, curate, or other person receiving the said duty, as a recompence for his trouble in accounting for the same, at and after the rate of two shillings in the pound, out of the monies by them regularly accounted for, and paid to such receiver general or head distributor, or such other person or persons as aforesaid, according to the directions hereinbefore contained.

X. And be it further enacted, that all prosecutions for recovery of the duties hereby granted, as also for all forfeitures and offences made and committed against this act, shall be heard and determined by any justice of the peace residing near to the place where such forfeiture shall be made or offence committed; and if the party finds himself aggrieved by the judgment of any such justice, he shall and may appeal to the justices of the peace at the next quarter sessions, who are hereby authorized and empowered to hear and determine the same, and their judgment therein shall be final: and every such justice is hereby authorized, and strictly enjoined and required, upon complaint or information exhibited and brought for any forfeiture incurred, or offence committed contrary to this act, to summon the party accused, and upon his appearance, or refusal or neglect to appear, to proceed to the examination of the matter of fact; and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more witness or witnesses, to give judgment thereupon, and to award and issue out warrants under his hand for the levying such forfeiture or penalty upon the goods and chattels of the offender; and to cause sale to be made of the said goods and chattels, if they shall not be redeemed within fourteen days, rendering to the party the overplus, if any.

Prosecutions for recovery of duties, &c. to be determined by a neighbouring justice; but appeal may be made to the quarter sessions.

XI. Provided nevertheless, and be it further enacted, that it shall and may be lawful to and for the said justice, where he shall see cause, to mitigate or lessen any such forfeiture or penalty as he shall think fit, reasonable costs to the officers and informers being always allowed over and above such mitigation, and so that such mitigation do not reduce the penalties to less than a moiety of the penalties incurred, over and above the costs.

Justice may mitigate penalties.

XII. And it is hereby further enacted, that all forfeitures and penalties mentioned in this act (all necessary charges for the recovery thereof being first deducted) shall be divided and distributed, one moiety thereof to and for the use of his majesty, his heirs and successors, and the other moiety to such person and persons who shall inform and sue for the same.

Distribution of penalties.

XIII. And be it further enacted, that no person employed by virtue of this act in receiving or accounting for the duties hereby imposed, shall, merely in respect of this act, be disqualified from voting at any election or elections of members to serve in parliament; any law or statute to the contrary thereof notwithstanding.

Receivers of the duties not disqualified as voters.

XIV. And be it further enacted, that if any person or persons shall at any time or times be sued, molested, or prosecuted, for any thing by him or them done or executed in pursuance of this act, or of any clause, matter, or thing, herein contained, such person or persons, and bodies politic or corporate, shall or may plead the general issue, and give the special matter in evidence for his or their defence;

Persons sued in execution of this act, may plead the general issue, and shall be entitled to taxable costs.



and if upon the trial a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, then such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs.

23 Geo. 3, c. 67. 25 GEORGE 3, CAP. 75.—*An act to extend the provisions of an act, made in the twenty-third year of his present majesty's reign, for granting to his majesty a stamp duty on the registry of burials, marriages, births, and christenings, to the registry of burials, births, and christenings of protestant dissenters from the church of England.*—Whereas by an act, made in the twenty-third year of the reign of his present majesty (intituled *an act for granting to his majesty a stamp duty on the registry of burials, marriages, births and christenings*), a stamp duty of three-pence was imposed on the entry of any burial, marriage, birth, or christening, in the register of any parish, precinct, or place in *Great Britain*: and whereas it is expedient to extend the provisions of the said act to all his majesty's protestant subjects dissenting from the church of *England*; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the first day of *October* one thousand seven hundred and eighty-five, the provisions of the said act, made in the twenty-third year of the reign of his present majesty, shall extend to all his majesty's protestant subjects dissenting from the church of *England*; and that the registers of births, burials, and christenings of such of them as use infant baptism, now kept, or hereafter to be kept by them; and the registers of births and burials of such protestant dissenters as do not use infant baptism, now kept, or hereafter to be kept by them, shall be subject and liable to the stamp duties by the said recited act imposed upon the registers of births, burials and christenings; any thing therein, or in any other law contained to the contrary notwithstanding.

Act extended to protestant dissenters.

Preamble; reciting 5 Gul. & Mar. c. 21;

9 Gul. 3, c. 25;

12 Anne, st. 2, c. 9;

28 GEORGE 3, CAP. 28.—*An act to exempt certain licences, granted to stipendiary curates, from stamp duties.*—Whereas by an act of parliament, made and passed in the fifth year of the reign of their late majesties king *William* and queen *Mary*, intituled *an act for granting to their majesties several duties upon vellum, parchment, and paper, for four years, towards carrying on the war against France*, it was enacted, that for every skin or piece of vellum or parchment, or sheet of paper, upon which any licence that should pass the seal of any archbishop or bishop, chancellor, or other ordinary, or any ecclesiastical court whatsoever, should be engrossed or written, there should be paid the sum of five shillings: and whereas, by another act of parliament, made and passed in the ninth year of the reign of his said late majesty king *William* the third, intituled *an act for granting to his majesty, his heirs and successors, further duties upon stamped vellum, parchment, and paper*, another sum of five shillings was imposed upon all such licences: and whereas, by another act, made and passed in the twelfth year of the reign of her late majesty queen *Anne*, intituled *an act for laying additional duties on soap and paper, and upon certain linens, silk, calicoes, and stuffs, and upon starch, and exported coals, and upon stamped vellum, parchment, and paper, for raising one*

million four hundred thousand pounds, by way of a lottery, for her majesty's supply; and for allowances on exporting made wares of leather, sheep skins, and lamb skins; and for distribution of four thousand pounds due to the officers and seamen for gun money: and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South Sea company; and for appropriating the monies granted to her majesty, a further sum of five shillings was imposed upon all such licences: and whereas by another act of parliament, made and passed in the sixth year of the reign of his late majesty king George the first, intitled *an act for enabling the South Sea company to increase their present capital stock and fund, by redeeming such public debts and incumbrances as are therein mentioned; and for raising money to be applied for lessening several of the public debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer*, the said several recited duties were made perpetual: and whereas the said several duties have been found very inconvenient and burthensome to stipendiary curates appointed by licence to perform the office of curate in a parish church, upon the nomination of the rector or vicar thereof; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the twenty-fourth day of June one thousand seven hundred and eighty-eight, every such licence, so appointing any stipendiary curate, in which the annual amount of the stipend shall be inserted, that shall pass the seal of any archbishop, bishop, chancellor, or other ordinary, or any ecclesiastical court whatsoever, shall be, and the same is hereby declared to be freed and exempted from any of the said hereinbefore recited stamp duties; and such licence shall and may be available, and given in contrary in any court of law or equity; any law or statute to the contrary thereof in anywise notwithstanding.

34 GEORGE 3, CAP. 11.—*An act for repealing the duties on the registry of burials, births, marriages, and christenings.*—23 George 3, cap. 67, and 25 George 3, cap. 75, recited; and the duties thereby imposed to cease October one, one thousand seven hundred and ninety-four. This act not to affect the validity of any register.

34 GEORGE 3, CAP. 20, SECS. 39—41.—*An act for repealing the duties on paper, pasteboard, millboard, scaleboard, and glazed paper; and for granting other duties in lieu thereof.*

XXXIX. Whereas it is expedient that an allowance should be made for all paper used in printing bibles, testaments, psalm books, books of common prayer, and confession of faith, and the larger and shorter catechism; be it therefore enacted by the authority aforesaid, that it shall and may be lawful to and for the lord high treasurer, or the lords commissioners of his majesty's treasury for the time being, upon being satisfied that the duty of excise by this act imposed had been fully paid for any quantity of paper of the first class hereinbefore mentioned used in the universities of *Oxford* and *Cambridge*, or either of them, by permission of the vice chancellors of the same, or used by the king's printers in *England* and *Scotland* respectively, in the

The duties imposed by the recited acts on licences granted by archbishops, &c. to come with respect to licences to stipendiary curates, in which the annual amount of the stipend is inserted.

Treasury to order a drawback of two-pence per lb. on paper used in printing bibles, &c.

printing of bibles, testaments, psalm books, books of common prayer of the church of *England*, the book commonly called or known in *Scotland* by the name of the *confession of faith*, or the larger or shorter catechism of the church of *Scotland*, to issue his or their orders or warrants, from time to time, authorizing and directing the commissioners of excise in *England* and *Scotland* respectively, out of the duties by this act imposed for or in respect of paper made in *Great Britain*, to pay and allow to such vice chancellors and king's printers respectively, or to the person or persons by them respectively authorized to receive the same, a drawback or allowance of twopence *per* pound weight, for all such paper so used as aforesaid.

Conditions,  
on which  
such draw-  
backs are to  
be allowed.

XL. Provided always nevertheless, that nothing in this act contained shall extend, or be deemed or construed to extend, to entitle any person or persons whatever to any such drawback or allowance, for or in respect of any such paper used in the printing any such bibles, testaments, psalm books, books of common prayer, confession of faith, or the larger or shorter catechism, unless the said paper shall have visible in the substance thereof a mark, commonly called a *water mark*, of the date of the present year of our Lord, in the following figures 1794, or of some subsequent year of our Lord, nor unless the chief manager of the press in such universities respectively, or such king's printers in *England* and *Scotland* respectively, shall, at least forty-eight hours before any such paper is begun to be prepared for printing, give or cause to be given to the proper officer of excise, a notice in writing of the intention to print such paper, specifying in such notice the number of reams or bundles of such paper so intended to be printed, and whether the same is to be printed for bibles, testaments, psalm books, common prayer books, books of confession of faith, or the larger or shorter catechism, of what size the intended impression or edition of such book intended to be printed is to be, and of how many copies the intended impression or edition thereof is to consist, nor unless all such paper shall, on such officer's attendance, be produced to him, enclosed in the original covers or wrappers in which the same was charged with duty, with the impression of the officer's stamp and his christian and surname, and the date of the charge of the duty, with the class of such paper, and the several matters hereinbefore prescribed and directed to be marked, written, or printed, remaining on such covers or wrappers respectively, nor unless such chief managers or king's printers respectively shall provide good and sufficient scales and weights, and permit and assist such officer to use the same for the purpose of ascertaining the true quantity and weight of such paper, nor unless the chief manager of the press in such universities respectively, or such king's printers respectively, shall, in like manner, within one month next after the whole of such impression or edition shall have been printed off, dried, and finished, give or cause to be given to the proper officer of excise forty-eight hours notice in writing of such impression or edition being printed off, dried, and finished, and thereupon such officer shall attend and inspect, examine, and weigh the whole of such impression or edition unbound and in sheets, and shall thereupon give and deliver to such chief manager of the press or king's printer, as the case may require, a certificate

in writing of his having so done, specifying therein the name of such book, together with the size thereof, and the number of copies of which such impression or edition consists, and the weight of the paper on which the same is printed, but if such weight shall exceed the weight of the paper actually produced to and taken account of by the proper officer previous to the printing thereof as aforesaid, then and in such case such last mentioned weight shall be inserted in such certificate, and the allowance shall be made for no greater quantity or weight than the weight specified in such certificate; anything herein contained to the contrary notwithstanding.

XLI. Provided also, that no such allowance shall be made for or in respect of any such paper used in the printing any such bibles, testaments, psalm books, books of common prayer, confession of faith, or the larger or shorter catechisms, unless the chief manager of the press in such universities respectively, or such king's printers respectively, shall make and subscribe on the back of such certificate such oath in writing as is in each respective case hereinafter prescribed; that is to say, the chief manager of the press in the said universities of *Oxford* and *Cambridge* respectively shall make oath before the vice chancellors of the said universities respectively, (which oaths they the said vice chancellors respectively are hereby authorized and empowered to administer), of the quantity and weight of the paper actually made use of in the printing of any such impression or edition of the bible, testament, psalm book, book of common prayer, confession of faith, or larger or shorter catechism, as the case may be, and that such chief manager of the press believes the duty by this act imposed for or in respect of such paper used in the printing of the impression or edition mentioned in such certificate has been fully paid, and that no drawback or allowance has been before claimed or paid for or in respect of such paper, or any part thereof; and the king's printers in *England* and *Scotland* respectively shall make oath before the commissioners of excise, or any two or more of them in *England* and *Scotland* respectively, (which oath they the said respective commissioners are hereby authorized and empowered to administer), of the quantity and weight of the paper actually made use of in the printing of any such impression or edition of the bible, testament, psalm book, book of common prayer, confession of faith, or larger or shorter catechism, as the case may require, and that such king's printer believes the duty by this act imposed for or in respect of such paper used in the printing of such impression or edition has been fully paid, and that no drawback or allowance has been before claimed or paid for in respect of such paper, or any part thereof, and that the whole of the said impression or edition of such bible, testament, psalm book, book of common prayer, confession of faith, or larger or shorter catechism, has been printed by him or them at his or their usual and ordinary printing house, on his or their own account, under and by virtue of the exclusive patent, authority, or privilege belonging to him or them as such king's printer, and for his or their sole and entire benefit, profit, emolument, and advantage.

37 GEORGE 3, CAP. 90, SEC. 1.—*An act for granting to his majesty certain stamp duties on the several matters therein mentioned, and for*

Further conditions on which such drawbacks are to be allowed.

*better securing the duties on certificates to be taken out by solicitors, attorneys, and others, practising in certain courts of justice in Great Britain.*—Most gracious sovereign, we, your majesty's most dutiful and loyal subjects the commons of *Great Britain* in parliament assembled, towards raising the necessary supplies to defray your majesty's public expenses, and making such permanent addition to the public revenue as shall be adequate to the increased charge occasioned by any loan to be raised, or stock to be created, by virtue of any act or acts for that purpose to be passed in this session of parliament, have freely and voluntarily resolved to give and grant unto your majesty the duties hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that there shall be raised, levied, collected, and paid throughout the kingdom of *Great Britain*, upon every skin, or piece of vellum or parchment, or sheet or piece of paper, on which any of the several matters hereinafter mentioned shall, from and after the fifth day of *July* one thousand seven hundred and ninety-seven, be engrossed, printed, or written, the respective stamp duties following; that is to say,

From July 5, 1797, the following additional stamp duties to be paid:

On admission of a fellow of the college of physicians, or of an attorney, &c. in any court.

Any admittance, or instrument for admitting, of any fellow of the college of physicians, or of any attorney, clerk, advocate, proctor, notary, or other officer in any court whatsoever in *Great Britain*, (not being an annual officer in the court of any corporation or inferior court, whose office is under the value of ten pounds *per annum* in salary, fees, and perquisites), the sum of eight pounds:

Other bonds. Exceptions.

Any bond not hereby otherwise charged, except bail bonds and assignments thereof, and except bonds exempted from the duties on stamped vellum, parchment, and paper, by an act passed in the thirty-second year of the reign of his present majesty, for the relief of the coast trade of *Great Britain*, and for exempting certain coast documents from stamp duties; and also except bonds given by executors and administrators, where the estate to be administered shall not exceed the sum of twenty pounds; and bonds to be given by the widow of any common soldier or seaman dying in his majesty's service, on obtaining any probate of a will, or letters of administration of any estate, the sum of three shillings:

Collations, &c. to benefices.

Any collation to be made by any archbishop, or other bishop, or any presentation or donation which shall pass the great seal of *Great Britain*, or which shall be made by any patron whatsoever, of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, the sum of six pounds:

Dispensations.

Any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and benefice, or any other dispensation or faculty, from the lord archbishop of *Canterbury*, or the master of the faculties for the time being, the sum of ten pounds:

Grants or letters patent, or exemplifications thereof.

Any grant or letters patent under the great seal of *Great Britain*, or the seal of the duchy or county palatine of *Lancaster*, or of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politic or corporate, or any exemplification of the same, the sum of eight pounds:

Any institution or licence that shall pass the seal of any archbishop or bishop, chancellor or other ordinary, or any ecclesiastical court whatsoever in *England*, or any writ or instrument for the like purpose, with any such institution or licence that shall be passed or made by any presbytery or other spiritual power in *Scotland*, the sum of fifteen shillings :

Any matriculation of a person in either of the two universities in *England*, the sum of four shillings :

Any register, entry, testimonial, or certificate of any degree taken in either of the two universities in *England*, the sum of two pounds.

38 GEORGE 3, CAP. 56.—*An act for repealing so much of an act made in the last session of parliament, intituled, an act for granting to his majesty certain stamp duties on the several matters therein mentioned: and for better securing the duties on certificates to be taken out by solicitors, attornies, and others practising in certain courts of justice in Great Britain; as imposes a duty on licences granted to stipendiary curates to perform the office of curate in any church or chapel.*—See Title—"CURATES, STIPENDIARY, ENGLAND," vol. ii. p. 511.

44 GEORGE 3, CAP. 98, SECS. 1 & 2.—*An act to repeal the several duties under the commissioners for managing the duties upon stamped vellum, parchment, and paper, in Great Britain, and to grant new and additional duties in lieu thereof.*—Most gracious sovereign, whereas the several rates and duties upon stamped vellum, parchment, and paper, and upon other articles and things under the care of the commissioners for managing the said duties, are become very numerous, intricate, and complicated, and it will tend to give facility to business, and contribute materially to the public benefit to consolidate and simplify the same; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that, from and after the tenth day of *October*, one thousand eight hundred and four, all and singular the duties, allowances, discounts, compensations, and drawbacks of stamp duties, and other duties under the care of the said commissioners for managing the duties upon stamped vellum, parchment, and paper, granted by any act or acts of parliament now in force, shall cease and determine (save and except in all cases relating to the recovering, allowing, or paying any arrears thereof respectively, which may at that time remain unpaid, or to any fine, penalty, or forfeiture, fines, penalties, or forfeitures, relating thereto respectively, which shall have been incurred at any time before or on the said tenth day of *October* one thousand eight hundred and four): provided always, that nothing in this act contained shall extend, or be construed to extend, to repeal, or in anywise alter, the duties or drawbacks granted by an act of the thirty-ninth and fortieth years of his present majesty's reign, intituled *an act for the union of Great Britain and Ireland*.

II. And whereas the commons of *Great Britain and Ireland*, in parliament assembled, towards raising the necessary supplies to defray the expenses of the just and necessary war in which your majesty is engaged, have resolved to grant to your majesty several new and additional and other duties on stamped vellum, parchment,

Institution or licence.

Matriculations in England. Registers, &c. of degrees in the universities in England.

From Oct. 10, 1804, the duties, discounts, allowances, and drawbacks, of stamps shall cease.

Act shall not affect duties, &c. under union act 39 & 40 G. 3. c. 67.

From Oct. 10, 1804, the duties and allowances or drawbacks in the annexed

schedules  
shall be paid  
and allowed  
in lieu of  
former duties

and paper, and upon other articles and things under the management of the commissioners of the stamp duties, and do therefore most humbly beseech your majesty that it may be enacted; and be it therefore enacted, that, from and after the said tenth day of *October* one thousand eight hundred and four, in lieu and instead of the said duties respectively by this act repealed, there shall be raised, levied, collected, and paid, in *England*, unto his majesty, his heirs and successors, for and in respect of the several instruments, articles, matters and things, mentioned, enumerated, and described in the schedules marked (A.) and (B.) hereunto annexed, the several sums of money and duties as they are respectively inserted, described, and set forth in the column of the said schedules marked (A.) and (B.), intituled "*England*;" and that there shall be raised, levied, collected and paid in like manner in *Scotland*, the several sums of money and duties as they are respectively inserted, described, and set forth in the column of the said schedules marked (A.) and (B.), intituled "*Scotland*;" and that there shall be made, allowed, and paid, for or in respect of all such articles, matters or things, as are inserted, enumerated, and described in the schedule marked (C.) hereunto annexed, the several allowances, drawbacks, or sums of money as the same are respectively inserted, described, and set forth in the said schedule marked (C.)

*Schedules to which this Act refers.*

SCHEDULE (A.)—*Stamp Duties.*

Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
ADMITTANCE of or instrument for admitting any attorney, clerk, advocate, proctor, or other officer in any court whatsoever in <i>England</i> ... ..	20	0	0			
CERTIFICATE to be taken out by every solicitor, attorney, notary, proctor, agent, or procurator, previous to his commencing or defending any suit or prosecution, of his admission, enrolment, or register in any of his majesty's courts at <i>Westminster</i> , or in any ecclesiastical court, or in any of the courts of admiralty, or in any of his majesty's courts in <i>Scotland</i> , the great sessions in <i>Wales</i> , or in any courts in the counties palatine, or in any other court in <i>Great Britain</i> holding pleas, where the debt or damage doth amount to forty shillings or more; who shall reside in any of the inns of court, or in the cities of <i>London</i> or <i>Westminster</i> , or within the limits of the two-penny post, or within, the city and						

Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
shire of <i>Edinburgh</i> , if he has not been admitted three years—yearly ...	5	0	0	5	0	0
If he has been admitted three years or more—yearly ...	10	0	0	10	0	0
CERTIFICATE to be in like manner taken out by every solicitor, attorney, notary, proctor, agent, or procurator, who shall reside in any other part of <i>Great Britain</i> out of the limits above mentioned, if he has not been admitted three years—yearly	3	0	0	3	0	0
If he has been admitted three years or more—yearly ...	6	0	0	6	0	0
<i>Special exemption.</i>						
Every officer or clerk of any of the said courts who is now, or at any time shall be charged with the payment of land tax in respect of his office or appointment in such court for or by reason of his being employed in the conduct, care, or management of any action, suit, prosecution, or other proceeding therein relating to or concerning the business of his office or appointment only; and wherein such officer or clerk shall not be also retained or employed by the party or parties to such action, suit, prosecution, or other proceeding, or by any solicitor, attorney, notary, proctor, agent, or procurator, for or in expectation of any fee or reward over and above the fee or reward therefore due and payable to such officer or clerk in respect of his office or appointment in such court.						
WARRANT, mandate, authority, minute, or memorandum given to any solicitor, attorney, notary, proctor, agent, or procurator in <i>Great Britain</i> , to commence, carry on, or defend any suit or prosecution in any of his majesty's courts at <i>Westminster</i> , or in any ecclesiastical court, or in any of the courts of admiralty or cinque ports, or in any of his majesty's courts in <i>Scotland</i> , the great sessions in <i>Wales</i> , or in any courts in the counties palatine, or in any other court holding pleas, where the debt or damage shall amount to forty shillings or more ...	0	5	0	0	5	0
LABEL in any ecclesiastical court ...	0	5	0			
ALLEGATION in any ecclesiastical court...	0	5	0			



Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
DEPOSITION in any ecclesiastical court ...	0	5	0			
COPY of libel, allegation, or deposition in any ecclesiastical court ...	0	5	0			
And for every sheet, copied and computed as heretofore, of which any such copy shall consist, over and above the first sheet so copied and computed, a further duty of ...	0	4	0			
MONITION or citation made by or issued out of any ecclesiastical court ...	0	5	0			
OFFICE COPY of any such monition or citation made by or issued out of any ecclesiastical court ...	0	5	0			
ANSWER in any ecclesiastical court ...	0	5	0			
SENTENCE in any ecclesiastical court ...	0	5	0			
FINAL decree in any ecclesiastical court ...	0	5	0			
COPY of any sentence or final decree, or answer in any ecclesiastical court ...	0	5	0			
And for every sheet copied and computed as heretofore, of which any such copy shall consist, over and above the first sheet so copied and computed, a further duty of ...	0	4	0			
COMMISSION issuing out of any ecclesiastical court ...	0	5	0			
INVENTORY exhibited in any ecclesiastical court ...	0	5	0			
COPY of any inventory exhibited in any ecclesiastical court ...	0	5	0			
And for every sheet copied and computed as heretofore, of which any such copy shall consist, over and above the first sheet so copied and computed, a further duty of ...	0	4	0			
CERTIFICATE or testimonial of having taken or received the holy sacrament ...	0	5	0			
LICENCE for marriage ...	0	10	0			
CERTIFICATE of marriage ...	0	5	0			
<i>Special exemption.</i>						
Certificate of the marriage of any common seaman, marine, or soldier.						
DISPENSATION to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, where neither of the livings is above ten pounds value in the king's books	20	0	0			
Where either is above ten pounds ...	30	0	0			
Any other dispensation from the lord archbishop of <i>Canterbury</i> or the master of the faculties for the time being ...	30	0	0			

Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
FACULTY from the lord archbishop of <i>Canterbury</i> or the master of the faculties for the time being ... ..	30	0	0			
MATRICULATION in either of the two universities in <i>England</i> ... ..	0	10	0			
REGISTER or entry of any degree taken in either of the two universities in <i>England</i> other than the degree of bachelor of arts...	6	0	0			
CERTIFICATE or testimonial of any degree taken in either of the two universities in <i>England</i> other than the degree of bachelor of arts ... ..	10	0	0			
REGISTER or entry of the degree of bachelor of arts taken in either of the two universities in <i>England</i> ... ..	3	0	0			
CERTIFICATE or testimonial of the degree of bachelor of arts taken in either of the two universities in <i>England</i> ... ..	3	0	0			
PRESENTATION or donation of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, which shall be of the yearly value of ten pounds, or above, in the king's books ... ..	20	0	0			
PRESENTATION or donation of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, under the yearly value of ten pounds in the king's books ...	10	0	0			
COLLATION which shall be made by any archbishop or other bishop of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, which shall be of the yearly value of ten pounds, or above, in the king's books ... ..	20	0	0			
COLLATION which shall be made by any archbishop or other bishop of or to any benefice, dignity, or spiritual or ecclesiastical promotion whatsoever, under the yearly value of ten pounds in the king's books ..	10	0	0			
INSTITUTION or licence which shall pass the seal of any archbishop or bishop, chancellor, or other ordinary, or of any ecclesiastical court whatsoever, in <i>England</i> ...	2	0	0			
<i>Special exemptions.</i>						
Licence appointing any stipendiary curate, in which the annual amount of the stipend shall be inserted, that shall pass the seal of any archbishop or bishop,						

Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
chancellor or other ordinary, or of any ecclesiastical court whatever, in <i>England</i> .						
Licence for non-residence of clergymen granted under the act 43 <i>George 3, c. 84</i> .						
COPY of or extract from any will ...	0	1	0			
And for every copy sheet, calculated at ninety words each, of which any such copy of or extract from any will, shall consist, over and above the first copy sheet so calculated, a further duty of ...	0	1	0			
ATTESTED copy of a probate of any will, or letters of administration ...	0	1	0			
And for every ten common law sheets, (calculated at ninety words to each sheet,) of which any such copy shall consist over and above twenty such common law sheets, a further duty of ...	0	1	0			
APPEAL from any court of admiralty, court of arches, or the prerogative court of <i>Canterbury</i> or <i>York</i> ...	15	0	0	10	0	0
AFFIDAVIT in any ecclesiastical court, or courts of admiralty or cinque ports ...	0	5	0	0	4	0
COPY of any affidavit in any ecclesiastical court, or courts of admiralty or cinque ports ...	0	5	0	0	4	0
And for every sheet copied and computed as heretofore, of which any such copy shall consist, over and above the first sheet so copied and computed, a further duty of ...	0	4	0	0	3	0
EXEMPLIFICATION of what nature soever, that shall pass the seal of any court whatsoever ...	3	0	0			
BOND, of any kind whatsoever (not otherwise charged in this schedule, or wholly exempted from duty), upon any number of words not amounting to thirty common law sheets, (calculated at seventy-two words to each sheet), of which any such bond shall consist ...	1	0	0	0	19	0
And for every entire quantity of fifteen common law sheets, (calculated at seventy-two words to each sheet), of which any such bond, together with every schedule, receipt, instrument, or other matter put or endorsed thereon, or annexed thereto, shall consist, (over and above the first fifteen common law sheets), a further duty of ...	0	15	0	0	14	0

Name and description of the instrument, article, or thing, on which the duty attaches.	England.			Scotland.		
	£	s.	d.	£	s.	d.
<i>Exemptions from all stamp duties.</i>						
Administration bond of the widow, children, father, mother, brother, or sister of any common seaman, soldier, or marine, who shall be slain or die in the service of his majesty, his heirs or successors.						
Administration bond of any person where the estate administered to shall not exceed the value of £20.						
NOTARIAL act, any, whatsoever ...	0	5	0	0	3	0
GRANT under the great seal of <i>Great Britain</i> or the seal of the duchy or county palatine of <i>Lancaster</i> , of any honour, dignity, promotion, franchise, liberty, or privilege to any person or persons, bodies politic or corporate ...	20	0	0	16	0	0
LETTERS patent under the great seal of <i>Great Britain</i> , or the seal of the duchy or county palatine of <i>Lancaster</i> , of any honour, dignity, promotion, franchise, liberty, or privilege, to any person or persons, bodies politic or corporate ...	20	0	0	16	0	0
EXEMPLIFICATION of any such grant or letters patent, as last above mentioned ...	20	0	0	16	0	0
LICENCE granted by any justice or justices of the peace, or other magistrate or magistrates, for selling ale, beer, or other exciseable liquors by retail, yearly ...	2	2	0	2	1	0
<i>Special exemption.</i>						
Forlicences granted to persons dulylicensed by the chancellors or vice chancellors of the two universities in <i>England</i> , or by either of them, for selling wine.						

SCHEDULE (C.)—*Allowances.*

To the two universities of *Oxford* and *Cambridge* respectively, the annual sum of £500 each.

48 GEORGE 3, CAP. 149, SECS. 1 & 2.—*An act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on legacies, and successions to personal estate upon intestacies, now payable in Great Britain; and for granting new duties in lieu thereof.*—Most gracious sovereign, whereas it is expedient to alter and amend the descriptions of divers instruments, matters, and things, in respect whereof certain stamp duties were granted by the several acts passed in the forty-fourth, forty-fifth, and forty-sixth years of your majesty's reign, hereinafter speci-

fied, and for that purpose to repeal such duties, and grant others in lieu thereof; and it is also expedient to grant certain additional stamp duties, towards raising the necessary supplies to defray your majesty's public expenses, and making such permanent addition to the public revenue, as shall be equal to the increased annual charge occasioned by the funding of exchequer bills, and by any loan made pursuant to any act or acts passed or to be passed for that purpose in this session of parliament: we, your majesty's most dutiful and loyal subjects, the commons of *Great Britain and Ireland*, in parliament assembled, have resolved to grant unto your majesty the several duties hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the tenth day of *October* one thousand eight hundred and eight, all such of the duties granted by the act passed in the forty-fourth year of his majesty's reign, intituled *an act to repeal the several duties under the commissioners for managing the duties upon stamped vellum, parchment and paper in Great Britain, and to grant new and additional duties in lieu thereof*, as are comprised in the schedule marked (A.) thereunto annexed (save and except the duties on licences for selling ale, beer, or other exciseable liquors, hats, and medicines, for exercising the trade of a pawnbroker, for letting to hire horses for the purpose of travelling post or otherwise, and for letting to hire stage coaches or carriages, and the duties on newspapers, pamphlets, almanacks, and calendars, and books or pamphlets serving the purpose of almanacks or calendars); and also all the duties granted by the act passed in the forty-fifth year of his majesty's reign, intituled *an act for granting to his majesty additional stamp duties in Great Britain on certain legacies*; and also the several duties granted by the act, passed in the forty-sixth year of his majesty's reign, intituled *an act for granting to his majesty certain stamp duties on appraisements and on licences to appraisers in Great Britain*, shall respectively cease and determine; save and except such of the said respective duties, or so much and such parts thereof respectively, as shall have become due or payable before or upon the said tenth day of *October*, and remain in arrear or unpaid after that day; and also save and except so much and such parts as shall remain to be paid of any duties in respect of legacies, given by way of annuity, or so that the value thereof cannot be ascertained at once, where part of such duties shall have been paid or have become payable before or upon the said tenth day of *October*; all which duties so in arrear, or remaining to be paid as aforesaid, shall be recoverable by the same ways and means, and with such and the same penalties and in such and the same manner, in all respects, as if this act had not been made, except so far as any provision is hereby made to the contrary.

II. And be it further enacted, that from and after the tenth day of *October* one thousand eight hundred and eight, there shall be raised, levied, and paid, unto and for the use of his majesty, his heirs and successors, in and throughout the whole of *Great Britain*, for

Duties in the schedule (A.) annexed to 44 G. 3, c. 98.

(except certain duties. [See as to ale licences, 48 G. 3, c. 143.] and duties granted by 45 G. 3, c. 28. 46 G. 3, c. 43. repealed, except arrears;

and except portions of legacy duties

New duties granted, as specified in the schedule annexed, from 10th Oct. 1808.

and in respect of the several instruments, matters, and things mentioned and described in the schedule hereunto annexed (except those standing under the head of exemptions), or for and in respect of the vellum, parchment, or paper, upon which such instruments, matters, or things shall be written or printed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth, in the same schedule. ....

*The Schedule to which this Act refers.*

SCHEDULE, PART I.	Duty.
	£ s. d.
ADMISSION of any person to act as an advocate, in any of the ecclesiastical courts, or in the high court of admiralty, in <i>England</i> ; or in any of the courts of justice in <i>Scotland</i> ... ..	40 0 0
ADMISSION of any person to act as an attorney, solicitor, or proctor, in any court in <i>England</i> ; or as a sworn clerk, side clerk, clerk in court, or other clerk or officer, in any court in <i>England</i> , whose business and emoluments (like those of an attorney or solicitor) shall depend upon his being retained and employed by clients or suitors, and shall therefore be wholly uncertain in amount ... ..	20 0 0
ADMISSION or matriculation of any person in either of the universities in <i>England</i> ... ..	0 10 0
ADMISSION of any person to the degree of a bachelor of arts, in either of the universities in <i>England</i> , for the register or entry thereof,	
If conferred in the ordinary course of the university	3 0 0
If conferred by special grace, or royal mandate, or by reason of nobility, or otherwise out of the ordinary course ... ..	5 0 0
ADMISSION of any person to any other degree in either of the universities in <i>England</i> , for the register or entry thereof,	
If conferred in the ordinary course of the university	6 0 0
If conferred by special grace, or royal mandate, or by reason of nobility or otherwise out of the ordinary course, conferring any right of election in such university ... ..	10 0 0
APPOINTMENT of a chaplain, operating as a qualification to hold two ecclesiastical benefices in <i>England</i> ... ..	1 10 0
ARTICLES OF CLERKSHIP, or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a proctor in the high court of admiralty in <i>England</i> , or in any of the ecclesiastical courts in <i>doctors commons</i> ... ..	110 0 0
And for any counterpart or duplicate thereof ...	1 10 0

SCHEDULE, PART I.	DUTY.
	£ s. d.
<p>ARTICLES OF CLERKSHIP, or contract, whereby any person shall become bound to serve as a clerk, in order to his admission as a proctor, in any of the courts aforesaid, for the residue of the term, for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event And for any counterpart or duplicate thereof ...</p>	<p>1 10 0 1 10 0</p>
<p>BOND in <i>England</i>, and personal bond in <i>Scotland</i> of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty</p>	<p>1 0 0</p>
<p><i>Exemptions from the preceding and all other stamp duties.</i></p>	
<p>Administration bonds, given by the widow, child, father, mother, brother, or sister of any common seaman, marine, or soldier, who shall be slain or die in the service of his majesty, his heirs or successors.</p>	
<p>Administration bond given by any person, where the estate to be administered shall not exceed twenty pounds in value.</p>	
<p>CERTIFICATE to be taken out yearly, by every person admitted as an attorney or solicitor, in any of his majesty's courts at <i>Westminster</i>, or in any of the courts of the great sessions in <i>Wales</i>, or of the counties palatine of <i>Chester</i>, <i>Lancaster</i>, and <i>Durham</i>, or in any other court in <i>England</i>, holding pleas where the debt or damage amounts to forty shillings; by every person admitted as a proctor in any of the ecclesiastical or admiralty courts in <i>England</i>;—and by every person admitted as a writer to the signet, or as a solicitor, agent, attorney, or procurator, in any of the courts in <i>Scotland</i>;—and by every person admitted or enrolled as a notary public in <i>England</i> or <i>Scotland</i>;—and also by every sworn clerk, clerk in court, and other clerk or officer in any of the courts aforesaid, who, in his own name, or in the name of any other person, shall commence, prosecute, carry on, or defend any action, suit, prosecution, or other proceeding, in any of the courts aforesaid, or do any notarial act whatever, for or in expectation of any fee, gain, or reward, as an attorney, solicitor, agent, proctor, procurator, or notary public, although not admitted or enrolled as such;</p>	
<p>If he shall reside in the city of <i>London</i>, or city of <i>Westminster</i>, or within the limits of the two-penny post in <i>England</i>, or within the city or shire of <i>Edinburgh</i>;</p>	

SCHEDULE, PART I.	DUTY.		
	£	s.	d.
And if he shall have been admitted, or been in possession of his office, for the space of three years or upwards ... ..	10	0	0
Or if he shall not have been admitted or been in possession so long ... ..	5	0	0
If he shall reside <i>elsewhere</i> ;			
And if he shall have been admitted, or been in possession of his office, for the space of three years or upwards ... ..	6	0	0
Or if he shall not have been admitted or been in possession so long ... ..	3	0	0
But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the courts aforesaid.			
CERTIFICATE of marriage, <i>except of any common seaman, marine, or soldier</i> ... ..	0	5	0
CERTIFICATE of any person's having received the holy sacrament ... ..	0	5	0
COLLATION, by any archbishop or bishop, to any ecclesiastical benefice, dignity, or promotion, in <i>England</i> , of the yearly value of ten pounds or upwards in the king's books ... ..	20	0	0
COLLATION, by any archbishop or bishop, to any other ecclesiastical benefice, dignity, or promotion whatsoever, in <i>England</i> ... ..	10	0	0
COLLATION, institution, or admission, by any presbytery or other competent authority, to any ecclesiastical benefice in <i>Scotland</i> ... ..	2	0	0
OFFICE COPY or extract of any will or codicil, deposited in any ecclesiastical court in <i>England</i> ...	0	1	0
And for every entire quantity of ninety words, contained in any such copy or extract, over and above the first ninety words, a further <i>progressive</i> duty of ... ..	0	1	0
ATTESTED COPY or extract, of any deed, instrument, or writing, given out from any public register, or from the books or records of any court, in <i>Scotland</i> ...	0	2	0
And where the same shall contain more than twelve hundred and ninety-six words, then for every entire quantity of twelve hundred and ninety-six words contained therein, over and above the first twelve hundred and ninety-six words, a further <i>progressive</i> duty of ... ..	0	2	0
And for any less quantity of words contained therein, over and above the first twelve hundred and ninety-six words, or over and above any second, third, or other full quantity of twelve hundred and ninety-six words, a <i>further</i> duty of ... ..	0	2	0



SCHEDULE, PART I.		DUTY.		
		£	s.	d.
<i>Exemptions from the preceding and all other stamp duties.</i>				
Extracts of commissions of persons as delegates or representatives to the general assembly, or to any presbytery or church court, in <i>Scotland</i> ; and of commissions of delegates to the convention of royal burghs; and of commissions of delegates from any royal burgh for the election of members of parliament.				
DISPENSATION, for holding two ecclesiastical dignities or benefices, or a dignity and a benefice, in <i>England</i> ; where either of them shall be above the yearly value of ten pounds in the king's books ...				
...		30	0	0
And in all other cases ...				
...		20	0	0
DISPENSATION of any other kind, from the archbishop of <i>Canterbury</i> , or the master of the faculties for the time being, or from the guardian of the spiritualties during a vacancy of the archbishop's see ...				
...		30	0	0
DONATION, by his majesty, his heirs or successors, or by any other patron,				
Of any ecclesiastical benefice, dignity, or promotion, in <i>England</i> , of the yearly value of ten pounds or upwards in the king's books ...				
...		20	0	0
Of any other ecclesiastical benefice, dignity, or promotion whatsoever, in <i>England</i> ...				
...		10	0	0
EXEMPLIFICATION or <i>constat</i> , under the great seal of the united kingdom of <i>Great Britain and Ireland</i> , of any letters patent or grant, made or to be made by his majesty, his heirs or successors, or by any of his royal predecessors, of any honour, dignity, promotion, franchise, liberty, or privilege, or of any lands, office or other thing whatsoever;				
For every skin, sheet, or piece of vellum, parchment, or paper, upon which any such exemplification or <i>constat</i> shall be written ...				
...		5	0	0
FACULTY, licence, or commission, for admitting or authorizing any person to act as a notary public in <i>England</i> ...				
...		30	0	0
FACULTY, licence, or commission, for admitting or authorizing any person to act as a notary public in <i>Scotland</i> ...				
...		20	0	0
FACULTY from the archbishop of <i>Canterbury</i> , or the master of the faculties for the time being, or from the guardian of the spiritualties during a vacancy of the archbishop's see, <i>not otherwise charged</i> ...				
...		30	0	0
GIFT of the vacant stipend of any parish in <i>Scotland</i> , whereof the presentation to the church shall belong to the crown ...				
...		1	10	0

SCHEDULE, PART I.	DUTY.		
	£.	s.	d.
GRANT or letters patent, under the great seal of the united kingdom of <i>Great Britain and Ireland</i> , or the seal of the duchy or county palatine of <i>Lancaster</i> , or under the seal kept and used in <i>Scotland</i> in place of the great seal formerly used there ;			
Of a <i>congé d'élire</i> , to any dean and chapter, for the election of an archbishop or bishop ...	20	0	0
Of the royal assent to or signification of the election made by any dean and chapter, or of the nomination and presentation by his majesty, his heirs or successors, in default of such election, of any person to be an archbishop or bishop ... ..	20	0	0
Of or for the restitution of the temporalities to any archbishop or bishop ... ..	20	0	0
Of any other honour, dignity, or promotion whatsoever, or of any franchise, liberty, or privilege, to any person or persons, body or bodies politic or corporate ... ..	20	0	0
And where two or more honours or dignities shall be granted by the same letters patent to the same person, such letters patent shall be charged with the proper duty in respect of the highest in point of rank only.			
And where any honour or dignity, honours or dignities, shall be granted to any person or persons, in remainder, the letters patent shall be charged with such further duty, in respect of every remainder, as would have been payable for an original grant of the same honour or dignity, honours or dignities.			
And where any such grant or letters patent shall be contained in more than one skin, sheet, or piece of vellum, parchment, or paper, then for every skin, sheet, or piece thereof, after the first, a further <i>progressive</i> duty of ... ..	20	0	0
<i>Exemption from the preceding and all other stamp duties.</i>			
Letters patent or briefs for collecting charitable benevolences.			
Letters patent for confirming any dispensation hereinbefore charged with a duty.			
INSTITUTION, granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, in and to any ecclesiastical benefice, dignity, or promotion, in <i>England</i> ;			

SCHEDULE, PART I.		DUTY.		
		£	s.	d.
Where the same shall proceed upon a presentation And where it shall proceed upon the petition of the patron to be himself admitted and instituted; if the benefice, dignity, or promotion, shall be of the yearly value of ten pounds or upwards, in the king's books ... ..		20	0	0
Or if the same shall be of any other description ...		10	0	0
<i>But such petition shall not be liable to any stamp duty.</i>				
INSTITUTION, by any presbytery or other competent authority, to ecclesiastical benefices, in <i>Scotland</i> .— See COLLATION.				
LICENCE for marriage, in <i>England</i> , if special ...		5	0	0
if not special ...		0	10	0
LICENCE to be granted by any archbishop, bishop, vicar-general, or other competent authority, in <i>Eng- land</i> , for the non-residence of any clergyman upon his living, pursuant to the act of the forty-third year of his majesty's reign ... ..		1	0	0
LICENCE of any kind, <i>not otherwise charged in this schedule</i> , which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary, or of any eccle- siastical court, in <i>England</i> ; or which shall be granted by any presbytery, or other ecclesiastical power, in <i>Scotland</i> ... ..		2	0	0
<i>Exemptions from the preceding and all other stamp duties.</i>				
Licences to stipendiary curates in <i>England</i> , wherein the annual amount of the stipend shall be specified, and licences for the non-residence of clergymen upon their livings, where granted on the ground of there being no house or no fit house of residence thereon.				
NOMINATION by his majesty, his heirs or successors, or by any other patron, to any perpetual curacy in <i>England</i> '... ..		1	10	0
NOTARIAL ACT, any whatsoever, <i>not otherwise charged in this schedule</i> ... ..		0	5	0
And for every sheet or piece of paper, parchment or vellum, upon which the same shall be written, after the first, a further <i>progressive</i> duty of ...		0	5	0
PRESENTATION by his majesty, his heirs, or suc- cessors or by any other patron, To any ecclesiastical benefice, dignity, or promotion in <i>England</i> , of the yearly value of ten pounds or upwards, in the king's books ... ..		20	0	0
To any other ecclesiastical benefice, dignity, or pro- motion whatsoever in <i>England</i> ... ..		10	0	0

SCHEDULE, PART II.	DUTY.
	£ s. d.
TESTIMONIAL or certificate of the admission of any person, to the degree of a bachelor of arts, in either of the universities in <i>England</i> ... ..	3 0 0
TESTIMONIAL or certificate of the admission of any person, to any other degree, in either of the said universities ... ..	10 0 0
<i>General exemptions from all stamp duties.</i>	
All bonds, contracts, mortgages, conveyances, deeds and instruments, whatever, exempted from stamp duty, by the act of the seventeenth year of his majesty's reign, cap. 53, or any other act or acts of parliament now in force, for promoting the residence of the parochial clergy, by making provision for building, repairing, or purchasing houses and other buildings, for the use of their benefices.	
All affidavits, contracts, mortgages, conveyances, deeds and instruments whatever, exempted from stamp duty, by the act of the forty-second year of his majesty's reign, cap. 116, or any other act or acts of parliament now in force, relating to the redemption and sale of the land tax.	

SCHEDULE, PART II.	DUTY.
	£ s. d.
Proceedings in the ecclesiastical courts, and in the high court of delegates, in ecclesiastical matters, in <i>England</i> .	
AFFIDAVIT to be filed, read, or used in any of the said courts ... ..	0 5 0
ALLEGATION in any of the said courts ... ..	0 5 0
ANSWER in any of the said courts ... ..	0 5 0
APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order, of the court of arches, or the prerogative court of <i>Canterbury</i> or <i>York</i>	15 0 0
CITATION issuing out of any of the said courts ... ..	0 5 0
COMMISSION issuing out of any of the said courts ... ..	0 5 0
COPY ( <i>i. e.</i> office copy) of any affidavit filed, read, or used in any of the said courts ... ..	0 5 0
COPY ( <i>i. e.</i> office copy) of any citation or monition issued out of any of the said courts ... ..	0 5 0
COPY ( <i>i. e.</i> office copy) of any libel, allegation, answer, interrogatories, depositions, or inventory, filed or exhibited in any of the said courts ... ..	0 5 0
COPY ( <i>i. e.</i> office copy) of any interlocutory decree or order, or of any definitive sentence or final decree, of any of the said courts ... ..	0 5 0

SCHEDULE, PART II.					Duty.		
					£	s.	d.
DECREE final, or definitive sentence, in any of the said courts	...	...	...	...	0	5	0
DEPOSITIONS taken in any of the said courts, or by commission from the same	...	...	...	...	0	5	0
EXEMPLIFICATION under the seal of any of the said courts, of any record or proceeding therein	...	...	...	...	3	0	0
INHIBITION issuing out of any of the said courts	...	...	...	...	0	5	0
INTERROGATORIES filed or exhibited in any of the said courts	...	...	...	...	0	5	0
INVENTORY filed or exhibited in any of the said courts	...	...	...	...	0	5	0
LIBEL filed or exhibited in any of the said courts	...	...	...	...	0	5	0
MONITION issuing out of any of the said courts	...	...	...	...	0	5	0
SENTENCE definitive, or final decree, of any of the said courts	...	...	...	...	0	5	0
WARRANT, mandate or authority, given to any proctor, to commence, carry on, or defend any suit or prosecution, in any of the said courts, for the memorandum or minute thereof to be entered or filed of record	...	...	...	...	0	5	0

52 GEORGE 3, CAP. 87, SECS. 1 & 2.—*An act to repeal the several duties under the care of the commissioners for managing the stamp duties in Ireland, and to grant new duties in lieu thereof.* .....

Whereas it is expedient to repeal the several rates and duties upon stamped vellum, parchment and paper, and upon other articles and things under the care of the commissioners for managing the stamp duties in *Ireland*; and to consolidate and simplify the same, and to grant other duties in lieu thereof; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and singular the duties under the care of the commissioners of stamp duties in *Ireland*, and all allowances on the purchase of stamps granted and made payable by any act or acts in force in *Ireland*, (save and except only the duties on lottery licences) shall, from and after the commencement of this act, cease and determine: provided always, that nothing herein contained shall prevent or be in anywise deemed, taken or construed to prevent the recovering, allowing or paying, at any time after the commencement of this act, of any arrears of duty or allowances which shall then remain unpaid.

II. And be it further enacted, that, from and after the commencement of this act, in lieu and instead of the said duties and allowances by this act repealed, there shall be granted, raised, levied, collected and paid in *Ireland*, unto his majesty, his heirs and successors, for and in respect of the several instruments, articles, matters and things mentioned, enumerated and described in the schedules marked (A.) and (B.) to this act annexed, the several sums of money and duties as they are respectively inserted, described

Stamp duties repealed, &c.

Exception.

Proviso.

Stamp duties described in schedule (A.) (B.) levied.

and set forth in words and figures in the said schedules marked (A.) and (B.), and that there shall be made, allowed and paid for or in respect of all such articles, matters or things as are inserted, enumerated and described in the schedule marked (C.) to this act annexed, the several allowances or sums of money respectively inserted, described and set forth in the said schedule marked (C.); any thing in any former act or acts contained to the contrary notwithstanding; and that no sum or sums of money shall be paid or given in the nature of discount or allowance in the purchase of stamps, other than such as is and are expressed and directed in the said schedule marked (C.); any thing in any former act or acts to the contrary notwithstanding; and that the said schedules, and each and every of them, and every matter and thing therein respectively contained, shall be deemed, taken and considered as part of this act.

Allowances  
specified in  
schedule C.  
made.

*Schedules to which this Act refers.*

SCHEDULE (A.)

For and upon every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed any of the following articles or any part thereof, except as otherwise particularly provided, the respective duties following; that is to say,

ARTICLES.	DUTY.		
	£	s.	d.
Any grant or letters patent under the great seal of <i>Ireland</i> , of any honour, dignity, promotion, franchise, liberty or privilege, to any person or persons, body or bodies politic or corporate, or any exemplification of the same not hereby charged with a specific duty (commissions of rebellion in process always excepted)	20	0	0
Any patent for an archbishopric ... ..	100	0	0
Any patent for a bishopric ... ..	50	0	0
Any presentation or donation which shall pass the great seal of <i>Ireland</i> , or any collation by any archbishop or bishop, or any presentation or donation to be made by any patron whatsoever, of or to any benefice, dignity or spiritual or ecclesiastical promotion whatsoever, of the yearly value of one hundred pounds ...	5	0	0
And for every one hundred pounds of the yearly value thereof, exceeding the first one hundred pounds a year, a further duty of ... ..	5	0	0
The value to be ascertained by certificate of the archbishop, bishop or vicar general of the diocese; provided always, that two or more benefices episcopally united shall be deemed one benefice only.	•		
Any institution that shall pass the seal of any archbishop, bishop, chancellor or other ordinary, or of any ecclesiastical court; provided that an institution to two or more benefices episcopally united shall be considered as an institution to a single benefice ...	2	0	0

SCHEDULE A.	DUTY.
£ s. d.	
Collation by an archbishop or bishop to be considered as equivalent to presentation and institution, and subject to the two duties accordingly.	
Any dispensation to hold two ecclesiastical dignities or benefices, or both a dignity and a benefice, or any other dispensation or faculty, from the lord archbishop of <i>Armagh</i> , or master of the faculties for the time being ... ..	25 0 0
Any admission of any advocate, proctor, attorney, solicitor, clerk or other officer or officers in any court whatsoever; except any officer in any inferior court whose office is under the value of £10 a year in salary, fees and other perquisites; and except any annual officer in any corporation ... ..	20 0 0
Any certificate to be taken out by any attorney or solicitor, proctor, agent, or procurator, of his admission, enrolment or registry, in any of his majesty's courts in <i>Dublin</i> , or in any ecclesiastical court, or in any court of admiralty in <i>Ireland</i> , or in any other court in <i>Ireland</i> holding plea, where debt or damage doth amount to forty shillings or more,	
If such attorney or solicitor, proctor, agent or procurator, has not been admitted for three years, yearly ... ..	1 0 0
If such attorney or solicitor, proctor, agent or procurator has been admitted for three years or more, yearly ... ..	3 0 0
Any indenture or other deed for binding an apprentice to a notary public, in order to his becoming a notary public, on each part of such indentures ... ..	5 0 0
Any other bond not being for the payment of any principal sum, or not herein otherwise charged ... ..	0 10 0
Any exemplification, of what nature soever, that shall pass the seal of any court, not hereby otherwise charged ... ..	0 15 0
Any petition in any of the superior courts of law or equity, or in the prerogative court, or consistorial court of <i>Dublin</i> ... ..	0 2 6
Any order, or fiat for order, made on any such petition	0 1 0
Any commission, or writ of <i>dedimus protestatem</i> , to take answers, or to examine witnesses, or for any other purpose, which shall issue from the courts of chancery or exchequer, or any ecclesiastical court, or the court of admiralty, or any other court in <i>Ireland</i> , except commissions of the peace ... ..	0 10 0
Any original writ, subpoena, writ of <i>habeas corpus</i> , writ of <i>capias quo minus</i> or any other writ, process or mandate whatever, not herein otherwise charged, that shall issue out of or pass the seal of any of the	

SCHEDULE A.	DUTY.
	£ s. d.
courts in <i>Dublin</i> (whether the same be the superior courts of law or equity, or any of the ecclesiastical courts) ... ..	0 1 0
Any copy of any such writ which shall be served on any defendant or defendants therein named ...	0 0 6
Any entry of any process of contempt for not appearing, or for not answering, which shall be entered in the courts of chancery or exchequer, or in the ecclesiastical courts, whether such process shall issue or not	0 1 0
Any warrant to any attorney or solicitor, proctor or other agent, to appear for any plaintiff or defendant in any action or suit in any court holding plea in <i>Ireland</i> , where the debt or damage amounts to forty shillings or above, or where the thing in demand or cause of suit is of that value, or to prosecute or defend such action or suit, or to confess judgment thereon ... ..	0 2 6
Any appearance to be entered in any such court or courts in <i>Ireland</i> by any six clerk, attorney, solicitor, proctor or other agent, for each and every defendant named in such entry ... ..	0 1 0
Any warrant to any proctor to prosecute or defend any suit in the court of prerogative, or in any ecclesiastical court, or in the court of admiralty ...	0 2 6
Any appearance to be entered in any such court or courts in <i>Ireland</i> by any proctor, for each and every defendant named in such entry ... ..	0 1 0
Any declaration, bill, answer, plea, replication, rejoinder or demurrer, and any interrogatories, and any libel, allegation or other plea or pleading, of what nature or kind soever not herein otherwise charged, that shall be filed by or on behalf of any plaintiff or defendant in any court of law or equity, or in any ecclesiastical or admiralty court, or in any other court in <i>Ireland</i> (save and except the paper drafts of depositions before they are engrossed) ...	0 4 0
Any attested copy of any declaration in ejectment or other declaration, bill, answer, plea, replication, rejoinder, demurrer, interrogatory, deposition, allegation or libel, or of any other plea or pleading in any court whatever, or any copy of any record to be furnished to any of the judges for the hearing of causes in error in the court of exchequer chamber or in the court of delegates ... ..	0 0 4
Any exception to any answer or report filed in any court of equity or in any ecclesiastical court in <i>Ireland</i> , to be charged upon each exception, whether joined with any other or others on the same sheet or piece of vellum, parchment or paper, or not ...	0 2 6



SCHEDULE A.	DUTY.		
	£	s.	d.
And for every ninety words which each and every exception shall contain over and above the first ninety words, a further duty of ...	0	1	6
And upon each and every exception over and above the first ten exceptions, a further duty of ...	0	4	0
And for every ninety words which each and every such exception after the first ten exceptions shall contain over and above the first ninety words, a further duty of ...	0	2	6
Any original affidavit, affirmation or deposition, not hereby otherwise charged, taken before any person or persons authorized by law to take the same .....	0	1	6
Any attested copy of such affidavit or affirmation which which shall be read in any court whatsoever ...	0	0	3
Any summons or warrant issued by ..... any ..... officer or officers of .. ..... any of the ecclesiastical courts, ..... for the purpose of proceeding to settle any decree or proceeding on any order of reference or taxing costs, or any other purpose for which summonses or warrants are usually issued by such officers respectively ...	0	1	0
Any rule or order (except in causes prosecuted upon indictments or presentments) made or given on petition or motion in any of the superior courts of law or equity, or in any ecclesiastical court, or in the court of admiralty, or in any other court in the county of <i>Dublin</i> , or county of the city of <i>Dublin</i> , holding plea, where the debt or damage doth amount to forty shillings, whether such rule or order shall be made in open court, or by any judge of such courts respectively in his chamber, by way of <i>fiat</i> for an order	0	1	0
Any copy of such rule or order, or any copy of any other record or proceedings in any of the said courts, not hereby otherwise charged ...	0	1	0
Any citation or monition, mandate, prohibition, summons, requisition or other process of what nature or kind soever, that shall issue out of any ecclesiastical court in <i>Ireland</i> (except in any suit for tithes, and not herein otherwise charged), and any copy thereof respectively ...	0	5	0
Any citation, monition, proceeding, sentence or decree, made in the prerogative court, or in any ecclesiastical court, in any suit for tithes, or any copies of them respectively ...	0	1	0
Any inventory lodged or exhibited in any ecclesiastical court in <i>Ireland</i> , and any copy thereof ...	0	5	0
Any decree, sentence or dismiss in any ecclesiastical court in <i>Ireland</i> save as aforesaid ...	0	7	6

SCHEDULE A.	DUTY.		
	£	s.	d.
Any interlocutory decree or sentence in any of the ecclesiastical courts, or in the court of admiralty in <i>Ireland</i> , save as aforesaid ... ..	0	10	0
Any exemplification of any decree, sentence or dismiss, in any ecclesiastical court in <i>Ireland</i> ... ..	0	15	0
Any commission issued out of any ecclesiastical court not hereinbefore particularly charged ... ..	0	7	6
Any appeal from any diocesan court ... ..	5	0	0
Any appeal from the court of admiralty or prerogative court, or any archiepiscopal court ... ..	10	0	0
Any copy of any will attested by the proper officer of any ecclesiastical court ... ..	0	0	3
Any marriage licence to be issued from the court of prerogative in <i>Ireland</i> ... ..	0	10	0
Any licence to any person or persons in <i>Ireland</i> for any of the purposes hereafter mentioned, viz.			
To act as a notary public ... ..	2	0	0

55 GEORGE 3, CAP. 78, SECS. 1 & 2.—*An act to repeal the several duties under the care of the commissioners for managing the stamp duties in Ireland, and to grant new duties in lieu thereof.*—

Whereas it is expedient to repeal the several rates and duties upon stamped vellum, parchment and paper, and upon other articles and things under the care of the commissioners for managing the stamp duties in *Ireland*, and to consolidate and simplify the same, and to grant other duties in lieu thereof; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all and singular the duties under the care of the commissioners of stamp duties in *Ireland*, and all allowances on the purchase of stamps granted and made payable by any act or acts in force in *Ireland* (save and except only the duties on lottery licences), shall, from and after the commencement of this act, cease and determine: provided always, that nothing herein contained shall prevent or be in anywise deemed, taken or construed to prevent the recovering, allowing or paying at any time after the commencement of this act of any arrears of duty or allowances which shall then remain unpaid.

53 G. 3, c. 87.  
Schedule (A.)  
in part and  
schedule (B.)  
(C.) wholly  
repealed.

II. And be it further enacted, that, from and after the commencement of this act, in lieu and instead of the said duties and allowances by this act repealed, there shall be granted, raised, levied, collected and paid in *Ireland* unto his majesty, his heirs and successors, for and in respect of the several instruments, articles, matters and things mentioned, enumerated and described in the schedule to this act annexed the several sums of money and duties as they are respectively inserted, described and set forth in words and figures in the said schedule, and in each and every part thereof; and that there shall be made, allowed and paid, for or in respect of all such

Stamp duties  
described in  
schedule  
levied.

Allowances  
specified in  
schedule  
made.

articles, matters or things as are inserted, enumerated and described therein in that behalf, the several allowances inserted, described and set forth in the said schedule; and that no sum or sums of money shall be paid or given in the nature of discount or allowance in the purchase of stamps, other than such as is and are expressed and directed in the said schedule; any thing in any former act or acts to the contrary notwithstanding; and that the said schedule, and every matter and thing therein respectively contained, shall be deemed, taken and considered as part of this act.

*Schedule to which this Act refers.*

PART THE FIRST.	DUTY.
	£ s. d.
ADMISSION of any person to act as an advocate of the ecclesiastical courts, or in the court of admiralty in <i>Ireland</i> ; for the register or entry thereof	30 0 0
ADMISSION of any person to act as an attorney, solicitor or proctor, in any court in <i>Ireland</i> ...	20 0 0
APPOINTMENT of a chaplain, operating as a qualification to hold two ecclesiastical benefices in <i>Ireland</i>	2 0 0
ARTICLES OF APPRENTICESHIP, indenture, or other instrument, whereby any person shall first become bound to serve as a clerk or apprentice, in order to his admission as a proctor in any of the ecclesiastical courts in <i>Dublin</i> , on each part of such articles or contract ...	50 0 0
ARTICLES OF APPRENTICESHIP, indentures or other instrument, whereby any person shall become bound to serve as a clerk or an apprentice, in order to his admission in the court of admiralty in <i>Ireland</i> , or in any ecclesiastical court save as aforesaid, on each part of such articles or contract ...	15 0 0
ARTICLES OF APPRENTICESHIP, indentures or other instruments, for binding a clerk or an apprentice to a notary public, in order to his becoming a notary public, on each part of such indentures ..	15 0 0
ARTICLES OF APPRENTICESHIP, indenture or other instrument or contract, whereby any person shall become bound to serve as a clerk or apprentice, in order to his admission as a proctor or as a notary public in any of the courts aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event ...	1 10 0
And for any counterpart or duplicate thereof ...	1 10 0
BOND of any kind whatsoever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty ...	1 0 0

SCHEDULE, PART I.	DUTY.
	£ s. d.
<i>Exemptions from the preceding and all other stamp duties.</i>	
Administration bonds, given by the widow, child, father, mother, brother or sister of any common seaman, marine or soldier, who shall be slain or die in the service of his majesty, his heirs or successors.	
Administration bond given by any person, where the estate to be administered shall not exceed £20 in value.	
<b>CERTIFICATE</b> to be taken out yearly by every person admitted as an attorney or solicitor in any of his majesty's superior courts in <i>Dublin</i> , and by every person admitted as a proctor in any of the ecclesiastical or admiralty courts in <i>Ireland</i> , and by every person admitted as a solicitor, agent, attorney or procurator, in any other court in <i>Ireland</i> holding plea, where the damage doth exceed forty shillings; If such attorney or solicitor, proctor, agent or procurator, has been admitted for three years and upwards ... ..	8 0 0
Or if he shall not have been admitted for three years	3 0 0
<b>COLLATION</b> by any archbishop or bishop to any ecclesiastical benefice, dignity or promotion in <i>Ireland</i> , of the yearly value of one hundred pounds ...	5 0 0
And for every one hundred pounds of the yearly value thereof, exceeding the first one hundred pounds a year, a further duty of ... ..	5 0 0
The value to be ascertained by certificate of the archbishop, bishop or vicar general of the diocese; provided always, that two or more benefices episcopally united shall be deemed one benefice only.	
<b>COLLATION</b> by any archbishop or bishop to any other ecclesiastical benefice, dignity or promotion whatsoever in <i>Ireland</i> .—See <b>INSTITUTION</b> .	
<b>COPY</b> or <b>EXTRACT</b> of any will or codicil deposited in any ecclesiastical court in <i>Ireland</i> ;	
For every entire quantity of ninety words, over and above the first ninety words, a further <i>progressive</i> duty of ... ..	0 0 3
<b>DISPENSATION</b> for holding two ecclesiastical dignities or benefices, or a dignity or benefice, in <i>Ireland</i>	25 0 0
<b>DISPENSATION</b> or faculty from the lord archbishop of <i>Armagh</i> or master of the faculties for the time being ... ..	25 0 0
And in all other cases ... ..	20 0 0
<b>EXEMPLIFICATION</b> or constat, under the great seal of <i>Ireland</i> , of any letters patent or grant, made or to be made by his majesty, his heirs or successors, or	

SCHEDULE, PART I.	DUTY.
	£ s. d.
by any of his royal predecessors, of any honour, dignity, promotion, franchise, liberty or privilege to any person or persons, body or bodies politic or corporate, or of any lands, office or other thing whatsoever ... ..	20 0 0
GRANT or letters patent, under the great seal of that part of the united kingdom of <i>Great Britain and Ireland</i> called <i>Ireland</i> ;	
Of the honour or dignity of an archbishop ... ..	150 0 0
... .. of a bishop ..	100 0 0
Of any other honour, dignity or promotion whatsoever, or of any franchise, liberty or privilege, to any person or persons, body or bodies politic or corporate ... ..	20 0 0
And where two or more honours or dignities shall be granted by the same letters patent to the same person, such letters patent shall be charged with the proper duty in respect of the highest in point of rank only.	
And where any honour or dignity, honours or dignities, shall be granted to any person or persons, in remainder, the letters patent shall be charged with such further duty, in respect of every remainder, as would have been payable for an original grant of the same honour or dignity, honours or dignities.	
And where any such grant or letters patent shall be contained in more than one skin, sheet or piece of vellum, parchment or paper, then for every skin, sheet or piece thereof, after the first, a further <i>progressive</i> duty of ... ..	20 0 0
<i>Exemptions from the preceding stamp duties.</i>	
Letters patent or briefs for collecting charitable benevolences.	
Letters patent for confirming any dispensation hereinbefore charged with a duty.	
INSTITUTION, granted by any archbishop, bishop, chancellor or other ordinary, or by any ecclesiastical court, in and to any ecclesiastical benefice, dignity or promotion in <i>Ireland</i> , provided that an institution to two or more benefices, episcopally united, shall be considered as an institution to a single benefice ... ..	2 0 0

SCHEDULE, PART II.	DUTY.		
	£	s.	d.
Collation by an archbishop or bishop to be considered as equivalent to presentation and institution, and subject to the two duties accordingly.—See COL- LATION and PRESENTATION.			
LICENCE special for marriage, to be issued from the court of prerogative in <i>Ireland</i> ... ..	5	0	0
If by any other authority ... ..	0	10	0
LICENCE to be granted by any archbishop, bishop, vicar general, or other competent authority in <i>Ireland</i> , for the non-residence of any clergyman upon his living ... ..	3	0	0
LICENCE of any kind, not otherwise charged in this schedule, which shall pass the seal of any archbishop, bishop or other ordinary, or of any ecclesiastical court in <i>Ireland</i> ... ..	1	10	0
NOTARIAL ACT; any whatsoever not otherwise charged in this schedule ... ..	0	5	0
And for every sheet or piece of paper, parchment or vellum, upon which the same shall be written, after the first, a further <i>progressive</i> duty of ... ..	0	5	0
PRESENTATION or DONATION, which shall pass the great seal of <i>Ireland</i> , or by any other patron, To any ecclesiastical benefice, dignity or promotion of the yearly value of one hundred pounds ... ..	5	0	0
And for every one hundred pounds of the yearly value thereof exceeding the first one hundred pounds a year, a further duty of ... ..	5	0	0
The value to be ascertained by certificate of the archbishop or bishop, or vicar general of the diocese; provided always that two or more benefices episcopally united shall be deemed one benefice only.			
To any other ecclesiastical benefice, dignity or promotion whatsoever in <i>Ireland</i> ... ..	10	0	0

SCHEDULE, PART II.	DUTY.		
	£	s.	d.
Proceedings in the ecclesiastical courts, and in the high court of delegates, in ecclesiastical matters, in <i>Ireland</i> .			
AFFIDAVIT to be filed, read or used in any of the said courts ... ..	0	2	0
ALLEGATION in any of the said courts ... ..	0	4	0
ANSWER in any of the said courts ... ..	0	4	0
APPEARANCE, on the entry of, in any of the said courts, for each and every defendant named in such entry ... ..	0	4	0

SCHEDULE, PART II.	DUTY.
	£ s. d.
APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order, of the prerogative court, or any archiepiscopal court ...	10 0 0
APPEAL from any diocesan court ...	5 0 0
CAPIAS, writs of.— <i>SEE WRIT.</i>	
CITATION issuing out of any of the said courts, except in any suit for tithes, and not herein otherwise charged	0 7 6
COMMISSION issuing out of any of the said courts, not hereby particularly charged ...	0 7 6
COPY, attested or otherwise, of any affidavit filed, read or used in any of the said courts ...	0 2 0
COPY, attested or otherwise, of any inventory filed or exhibited in any of the said courts ...	0 5 0
COPY, attested or otherwise, of any citation, monition, mandate, prohibition, summons or requisition, issued out of any of the said courts ...	0 5 0
COPY, attested or otherwise, of any other process of what nature or kind soever, that shall issue out of any of the said courts ...	0 5 0
COPY, attested or otherwise, of any libel, allegation, answer, interrogatories or depositions, filed or exhibited in any of the said courts ...	0 1 0
COPY, attested or otherwise, of any interlocutory decree or order, or of any definitive sentence or final decree of any of the said courts ...	0 5 0
COPY, attested or otherwise, of any rule or order made or given on any petition or motion, whether such rule or order shall be made in open court or otherwise ...	0 1 0
DECREE, sentence or order interlocutory, not having the force and effect of a definitive decree, order or sentence ...	0 10 0
DECREE, sentence or order interlocutory, having the force and effect of a definitive decree or sentence ...	0 10 0
DECREE final, or definitive sentence, in any of the said courts ...	0 10 0
DEPOSITIONS taken in any of the said courts, or by commission from the same ...	0 5 0
DISMISS ...	0 7 6
EXCEPTION to allegation, libel, answer, deposition, report or other pleading, upon each and every skin containing such exception or exceptions ...	0 10 0
EXEMPLIFICATION under the seal of any of the said courts, of any record or proceeding therein ...	0 15 0
INHIBITION issuing out of any of the said courts ...	1 0 0
INTERROGATORIES filed or exhibited in any of the said courts ...	0 4 0
INVENTORY filed or exhibited in any of the said courts ...	0 5 0

SCHEDULE, PART II.				DUTY.		
				£	s.	d.
LIBEL filed or exhibited in any of the said courts ...				0	4	0
MANDATE issuing out of the said courts ...				0	5	0
MONITION issuing out of any of the said courts, save as aforesaid ...				0	5	0
ORDER or fiat for order made on any petition ...				0	1	0
PETITION on the entry of each ...				0	3	6
PROCESS of contempt for not appearing or for not answering ...				0	5	0
PROCESS of whatsoever other nature or kind soever that shall issue out of said courts ...				0	5	0
REQUISITION ...				0	7	6
RULE or ORDER made or given on any petition or motion, whether such rule or order shall be made in open court or otherwise ...				0	1	0
SENTENCE interlocutory ...				0	10	0
SENTENCE definitive, or final decree, of any of the said courts ...				0	10	0
SUMMONS ...				0	5	0
WRIT, mandate, subpoena, writ of habeas corpus, or other process whatsoever, <i>not otherwise charged in this schedule</i> , which shall issue out of or pass the seal of any of the courts in <i>Dublin</i> , whether the same be the superior courts of law or equity, or any of the ecclesiastical courts ...				0	4	0

55 GEORGE 3, CAP. 79. SECS. 46—48.—*An act to regulate the collection and management of the stamp duties on law proceedings, attornies, solicitors, proctors and corporate officers in Ireland.*

XLVI. Be it further enacted, that no collation, presentation or donation, to or of any benefice, or spiritual or ecclesiastical promotion in *Ireland*, shall be good, valid or effectual, unless the same shall be in writing under hand and seal, and shall be duly stamped, if a stamp shall be necessary thereon; and that every such writing, as also all and every presentation or donation under the great seal of *Ireland*, shall be deposited with the registrar of the diocese, who shall forthwith cause the same to be filed in the registry of the diocese, and shall give to the person so depositing the same a certificate that the same has been so deposited, and such certificate shall further state either that such instrument is duly stamped or that the same is not by law subject to any stamp, and shall also state the date of such instrument, and the day of the month and year when such instrument was so deposited or filed; and no person shall be inducted into any benefice or promotion in *Ireland*, who shall not, previous to and at the time and place of such induction, produce such certificate to the person or persons authorized to make such induction; and if any induction shall be made contrary to this provision, the same shall be wholly void and of no effect, and every person making the same shall forfeit and pay the sum of fifty pounds sterling.

Presentation &c. to be in writing on stamps, and lodged with registrar of diocese.

Induction without certificate.

Penalty.



Fees on  
certificate,  
&c.

Refusing,  
&c. to file  
instrument,  
&c.

Penalty.

Certificate  
to be part of  
title.

• Sic.

Duties  
granted by  
48 G. 3, c. 149.

XLVII. And be it further enacted, that every such registrar shall, for so receiving and filing such instrument, and granting such certificate thereof, be entitled to receive a fee of two shillings and sixpence and no more, and a fee of one shilling and sixpence for any new certificate of the same matter that may be afterwards required; and if any such registrar shall refuse, neglect or omit to receive and file such instrument, or to grant any such new certificate on reasonable demand thereof, or shall certify therein any thing which shall not be true (of the truth whereof the proof shall lie on him), he shall, for every such offence, forfeit the sum of one hundred pounds sterling.

XLVIII. And be it further enacted, that every person who, from and after the commencement of this act, shall receive any benefice, or spiritual or ecclesiastical promotion in *Ireland*, shall be bound to produce and prove, and shall produce and prove such certificate as aforesaid, as part of his title to such benefice or promotion, upon any trial or hearing of any action, suit or proceeding for the recovery of any tithe or glebe, or other purpose whatever, before any court of law or equity, or any ecclesiastical court, or any summary jurisdiction whatsoever, wherein it shall be necessary for him to produce or prove such his title; and that without the production and proof of such certificate such court or jurisdiction shall deem such title to be imperfect and not duly proved,\* shall decide accordingly, notwithstanding any consent or admission of the parties, or of any of them.

55 GEORGE 3, CAP. 184, SECS. 1 & 2.—*An act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof.*—Most gracious sovereign, whereas it is expedient to grant certain additional stamp duties towards raising the necessary supplies to defray your majesty's public expenses, and making such permanent addition to the public revenue as shall be equal to the increased annual charge, occasioned by the funding of exchequer bills, and by any loan made pursuant to any act or acts passed or to be passed for that purpose, in this session of parliament; and it is also expedient to consolidate the additional with the existing duties; we your majesty's most dutiful and loyal subjects, the commons of *Great Britain and Ireland* in parliament assembled, have resolved to grant unto your majesty the several duties hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all the duties granted by the act passed in the forth-eighth year of his majesty's reign, intituled *an act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on legacies and successions to personal estate upon intestacies, now payable in Great Britain, and for granting new duties in lieu thereof*; and also the duties on licences for using and exercising the trade or business of a pawnbroker, granted by the act passed in the

forty-fourth year of his majesty's reign, intituled *an act to repeal the several duties under the commissioners for managing the duties upon stamped vellum, parchment and paper, in Great Britain, and to grant new additional duties in lieu thereof*; and also the duties granted by an act passed in the fiftieth year of his majesty's reign, on policies of insurance of property in the *West Indies* or elsewhere beyond the seas, from loss by fire; shall cease and determine from and after the thirty-first day of *August* one thousand eight hundred and fifteen; and that the yearly *per centage* duty on insurances from loss by fire granted by the said act, passed in the forty-fourth year of his majesty's reign, shall cease and determine from and after the twenty-eighth day of *September* one thousand eight hundred and fifteen; save and except such of the said respective duties, or so much and such part or parts thereof respectively, as shall have become due or payable before or upon those days, and remain in arrear or unpaid afterwards; and also save and except so much and such part or parts as shall remain to be paid of any duties in respect of legacies given by way of annuity, or so that the value thereof cannot be ascertained at once where part of such duties shall have been paid, or have become payable before or upon the said thirty-first day of *August*; all which duties or parts of duties so in arrear or remaining to be paid as aforesaid, shall be recoverable by the same ways and means, and with such and the same penalties, and in such and the same manner, in all respects, as if this act had not been made.

II. And be it further enacted, that there shall be raised, levied and paid unto and for the use of his majesty, his heirs and successors, in and throughout the whole of *Great Britain*, for and in respect of the several instruments, matters and things, mentioned and described in the schedule hereunto annexed (except those standing under the head of exemptions) or for or in respect of the vellum, parchment or paper, upon which such instruments, matters and things or any of them shall be written or printed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule; and that the yearly *per centage* duty on insurances from loss by fire therein mentioned, shall commence and take place from and after the twenty-eighth day of *September* one thousand eight hundred and fifteen; and that all the other duties therein mentioned, shall commence and take place from and after the thirty-first day of *August* one thousand eight hundred and fifteen; and that the said schedule, and all the provisions, regulations and directions therein contained, with respect to the said duties, and the instruments, matters and things charged therewith, shall be deemed and taken to be part of this act, and shall be read and construed as if the same had been inserted herein at this place, and shall be applied, observed and put in execution accordingly.

44 G. 3, c. 98.  
schedule (A.)

50 G. 3, c. 35,  
s. 2.

44 G. 3, c. 98.  
schedule (B.)  
made to  
cease.

Exceptions.

Duties  
specified in  
schedule an-  
nexed levied.

Duties when  
to commence

Schedule  
deemed part  
of act.

[Schedule

*The Schedule to which this Act refers.*

PART THE FIRST.		DUTY.		
		£	s.	d.
ADMISSION of any person to act as an advocate in any of the ecclesiastical courts, or in the high court of admiralty in <i>England</i> ; or in any of the courts of justice in <i>Scotland</i> ... ..		50	0	0
<i>Exemption from the preceding and all other stamp duties.</i>				
Where an advocate, admitted in one court in <i>England</i> , shall be admitted as an advocate in any other court in <i>England</i> ; or being admitted in one court in <i>Scotland</i> , shall be admitted as an advocate in any other court in <i>Scotland</i> ; his latter admission shall be free of duty, provided he shall have paid the proper stamp duty on his former admission, according to the laws then in force.				
ADMISSION of any person to act as an attorney, solicitor or proctor, in any court in <i>England</i> ; or as a sworn clerk, side clerk, clerk in court, or other clerk or officer, in any court in <i>England</i> , whose business and emoluments (like those of an attorney or solicitor shall depend upon his being retained and employed by clients or suitors, and shall therefore be wholly uncertain in amount ... ..		25	0	0
ADMISSION or matriculation of any person in either of the universities in <i>England</i> ... ..		1	0	0
ADMISSION of any person to the degree of a bachelor of arts, in either of the universities in <i>England</i> , for the register or entry thereof,				
If conferred in the ordinary course of the university.		3	0	0
If conferred by special grace, or royal mandate, or by reason of nobility, or otherwise out of the ordinary course ... ..		5	0	0
ADMISSION of any person to any other degree in either of the universities in <i>England</i> , for the register or entry thereof,				
If conferred in the ordinary course of the university.		6	0	0
If conferred by special grace, or royal mandate, or by reason of nobility, or otherwise, out of the ordinary course, conferring any right of election in such university ... ..		10	0	0
APPOINTMENT of a chaplain, operating as a qualification to hold two ecclesiastical benefices in <i>England</i> .		2	0	0
ARTICLES of CLERKSHIP, or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a proctor in the high court of admiralty in <i>England</i> , or in any of the ecclesiastical courts in <i>Doctors Commons</i> ...		120	0	0
And for any counterpart or duplicate thereof ...		1	15	0

SCHEDULE, PART I.	DUTY.
	£ s. d.
<p><b>ARTICLES of CLERKSHIP</b>, or contract, whereby any person shall become bound to serve as a clerk, in order to his admission as a proctor in any of the courts aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event ... ..</p> <p>And for any counterpart or duplicate thereof ... ..</p>	<p>1 15 0</p> <p>1 15 0</p>
<p><b>ARTICLES of CLERKSHIP</b>, or contract or indenture of apprenticeship, whereby any person, having been before bound to serve as a clerk or apprentice, in order to any such admission as aforesaid either in <i>England</i> or <i>Scotland</i>, and not having completed or perfected his service so as to entitle him to such admission, shall become bound afresh, for a new term of years, for the same purpose ... ..</p> <p>And for any counterpart or duplicate thereof ... ..</p> <p>But in this case, the stamp used on the articles, contract or indenture, first entered into for the said purpose, shall be allowed as a spoiled stamp, on being delivered up to the commissioners of stamps to be cancelled within six calendar months after the execution of the new articles, contract or indenture.</p>	<p>The same duty as would be payable on any original articles, contract or indenture for such purpose.</p> <p>1 15 0</p>
<p><b>BOND</b>, entered into by any person, on obtaining a marriage licence ... ..</p>	<p>1 0 0</p>
<p><b>BOND</b>, on obtaining letters of administration in <i>England</i>, or a confirmation of testament in <i>Scotland</i> ... ..</p>	<p>1 0 0</p>
<p><i>Exemptions from the preceding and all other stamp duties.</i></p>	
<p>Administration and confirmation bonds, given by the widow, child, father, mother, brother or sister of any common seaman, marine or soldier, who shall be slain or die in the service of his majesty, his heirs or successors.</p>	
<p>Administration bond in <i>England</i> given by any person, where the estate to be administered shall not exceed twenty pounds in value.</p>	
<p><b>CERTIFICATE</b> to be taken out <i>yearly</i>, by every person admitted as an attorney or solicitor in any of his majesty's courts at <i>Westminster</i>, or in any of the courts of the great sessions in <i>Wales</i>, or of the counties palatine of <i>Chester</i>, <i>Lancaster</i> and <i>Durham</i>, or in any other court in <i>England</i>, holding pleas, where the debt or damages amounts to forty shillings;—and by every person admitted as a proctor in any of the ecclesiastical or admiralty courts in <i>England</i>;—and</p>	

SCHEDULE, PART I.	DUTY.
	£ s. d.
by every person admitted as a writer to the signet, or as a solicitor, agent, attorney, or procurator, in any of the courts of <i>Scotland</i> ;—and by every person admitted or enrolled as a notary public in <i>England</i> or <i>Scotland</i> ;—and also by every sworn clerk, clerk in court, and other clerk or officer in any of the courts aforesaid, who in his own name, or in the name of any other person, shall commence, prosecute, carry on or defend any action, suit, prosecution or other proceeding, in any of the courts aforesaid, or do any notarial act whatever, for or in expectation of any fee, gain or reward, as an attorney, solicitor, agent, proctor, procurator or notary public, although not admitted or enrolled as such;	
If he shall reside in the city of <i>London</i> , or city of <i>Westminster</i> , or within the limits of the two-penny post in <i>England</i> , or within the city or shire of <i>Edinburgh</i> ;	
And if he shall have been admitted, or been in possession of his office, for the space of three years or upwards ... ..	12 0 0
Or if he shall not have been admitted or been in possession so long ... ..	6 0 0
If he shall reside <i>elsewhere</i> ;	
And if he shall have been admitted, or been in possession of his office, for the space of three years or upwards ... ..	8 0 0
Or if he shall not have been admitted or been in possession so long ... ..	4 0 0
But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the courts aforesaid.	
CERTIFICATE of marriage, <i>except of any common seaman, marine or soldier</i> ... ..	0 5 0
CERTIFICATE of any person's having received the holy Sacrament ... ..	0 5 0
COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity or promotion in <i>England</i> , of the yearly value of ten pounds or upwards in the king's books ... ..	20 0 0
COLLATION by any archbishop or bishop to any other ecclesiastical benefice, dignity or promotion whatsoever in <i>England</i> ... ..	10 0 0
COLLATION, institution or admission, by any presbytery or other competent authority, to any ecclesiastical benefice in <i>Scotland</i> ... ..	2 0 0
Office COPY or extract of any will or codicil, deposited in any ecclesiastical court in <i>England</i> ... ..	0 1 0

SCHEDULE, PART I.	Duty.
£ s. d.	
And for every entire quantity of ninety words, contained in any such copy or extract, over and above the first ninety words, a further <i>progressive</i> duty of ... ..	0 1 0
<i>Exemptions from the preceding and all other stamp duties.</i>	
Extracts of commissions of persons as delegates or representatives to the general assembly, or to any presbytery or church court, in <i>Scotland</i> ; and of commissions of delegates to the convention of royal burghs; and of commissions of delegates from any royal burgh for the election of members of parliament.	
DISPENSATION for holding two ecclesiastical dignities or benefices, or a dignity and a benefice, in <i>England</i> , where either of them shall be above the yearly value of ten pounds in the king's books ...	40 0 0
And in all other cases ... ..	25 0 0
DISPENSATION of any kind, from the archbishop of <i>Canterbury</i> , or the master of the faculties, for the time being, or from the guardian of the spiritualties during a vacancy of the archbishop's see ...	40 0 0
DONATION, by his majesty, his heirs or successors, or by any other patron,	
Of any ecclesiastical benefice, dignity or promotion in <i>England</i> , of the yearly value of ten pounds or upwards in the king's books ... ..	20 0 0
Of any other ecclesiastical benefice, dignity or promotion whatsoever in <i>England</i> ... ..	10 0 0
EXEMPLIFICATION or constat, under the great seal of the united kingdom of <i>Great Britain</i> and <i>Ireland</i> , of any letters patent or grant, made or to be made by his majesty, his heirs or successors, or by any of his royal predecessors, of any honour, dignity, promotion, franchise, liberty or privilege, or of any lands, office or other thing whatsoever;	
For every skin, sheet or piece of vellum, parchment or paper, upon which any such exemplification or constat shall be written ... ..	5 0 0
FACULTY, licence or commission, for admitting or authorising any person to act as a notary public in <i>England</i> ... ..	30 0 0
FACULTY, licence or commission, for admitting or authorising any person to act as a notary public in <i>Scotland</i> ... ..	20 0 0
FACULTY from the archbishop of <i>Canterbury</i> , or the master of the faculties for the time being, or from the guardian of the spiritualties during a vacancy of the archbishop's see, <i>not otherwise charged</i> ...	30 0 0

SCHEDULE, PART I.	Duty.
	£ s. d.
GIFT of the vacant stipend of any parish in <i>Scotland</i> , whereof the presentation to the church shall belong to the crown ... ..	1 10 0
GRANT or letters patent under the great seal of the united kingdom of <i>Great Britain</i> and <i>Ireland</i> , or the seal of the duchy or county palatine of <i>Lancaster</i> , or under the seal kept and used in <i>Scotland</i> , in place of the great seal formerly used there ;	
Of a <i>congé d'elire</i> , to any dean and chapter, for the election of an archbishop or bishop	30 0 0
Of the royal assent to or signification of the election made by any dean and chapter, or of the nomination and presentation by his majesty, his heirs or successors, in default of such election, of any person to be an archbishop or bishop ... ..	30 0 0
Of or for the restitution of the temporalities to any archbishop or bishop ...	30 0 0
Of any other honour, dignity or promotion whatsoever, or of any franchise, liberty or privilege, to any person or persons, body or bodies politic or corporate ...	30 0 0
And where two or more honours or dignities shall be granted by the same letters patent to the same person, such letters patent shall be charged with the proper duty in respect of the highest in point of rank only.	
And where any honour or dignity, honours or dignities, shall be granted to any person or persons, in remainder, the letters patent shall be charged with such further duty, in respect of every remainder, as would have been payable for an original grant of the same honour or dignity, honours or dignities.	
And where any such grant or letters patent shall be contained in more than one skin, sheet or piece of vellum, parchment or paper, then for every skin, sheet or piece thereof, after the first, a further <i>progressive</i> duty of	20 0 0
<i>Exemptions from the preceding and all other stamp duties.</i>	
Letters patent or briefs for collecting charitable benevolences.	
Letters patent for confirming any dispensation hereinbefore charged with a duty.	

SCHEDULE, PART I.	DUTY.		
	£	s.	d.
INSTITUTION, granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, in and to any ecclesiastical benefice, dignity or promotion, in <i>England</i> ;			
Where the same shall proceed upon a presentation .	2	0	0
And where it shall proceed upon the petition of the patron to be himself admitted and instituted; if the benefice, dignity or promotion, shall be of the yearly value of ten pounds or upwards in the king's books ... ..	30	0	0
Or if the same shall be of any other description ...	15	0	0
<i>But such petition shall not be liable to any stamp duty.</i>			
INSTITUTION, by any presbytery or other competent authority, to ecclesiastical benefices in <i>Scotland</i> .— See COLLATION.			
LICENCE for marriage, in <i>England</i> , if special ... .. if not special ... ..	5	0	0
LICENCE to be granted by any archbishop, bishop, vicar general, or other competent authority, in <i>England</i> , for the non-residence of any clergyman upon his living, pursuant to the act of the forty-third year of his majesty's reign ... ..	1	0	0
LICENCE of any kind, <i>not otherwise charged in this schedule</i> , which shall pass the seal of any archbishop, bishop, chancellor or other ordinary, or of any ecclesiastical court in <i>England</i> , or which shall be granted by any presbytery, or other ecclesiastical power, in <i>Scotland</i> ... ..	2	0	0
<i>Exemptions from the preceding and all other stamp duties.</i>			
Licences to stipendiary curates in <i>England</i> , wherein the annual amount of the stipend shall be specified; and licences for the non-residence of clergymen upon their livings; where granted on the ground of there being no house or no fit house of residence thereon.			
NOMINATION by his majesty, his heirs or successors, or by any other patron, to any perpetual curacy in <i>England</i> ... ..	1	10	0
NOTARIAL ACT; any whatsoever <i>not otherwise charged in this schedule</i> ... ..	0	5	0
And for every sheet or piece of paper, parchment or vellum, upon which the same shall be written, after the first, a further <i>progressive</i> duty of ...	0	5	0
PRESENTATION by his majesty, his heirs or successors, or by any other patron;			
To any ecclesiastical benefice, dignity or promotion			



SCHEDULE, PART II.		DUTY.		
		£	s.	d.
<b>PRESENTATION</b> — <i>continued.</i>				
in <i>England</i> , of the yearly value of ten pounds or upwards, in the king's books ...		20	0	0
To any other ecclesiastical benefice, dignity or promotion whatsoever in <i>England</i> ...		10	0	0
<b>TESTIMONIAL</b> or certificate of the admission of any person, to the degree of a bachelor of arts, in either of the universities in <i>England</i> ...		3	0	0
<b>TESTIMONIAL</b> or certificate of the admission of any person, to any other degree, in either of the said universities ...		10	0	0
<i>General exemptions from all stamp duties.</i>				
All bonds, contracts, mortgages, conveyances, deeds and instruments whatever, exempted from stamp duty by the act of the seventeenth year of his majesty's reign, cap. 53, or any other act or acts of parliament now in force, for promoting the residence of the parochial clergy, by making provision for building, repairing or purchasing houses and other buildings, for the use of their benefices.				
All affidavits, contracts, mortgages, conveyances, deeds and instruments whatever, exempted from stamp duty by the act of the forty-second year of his majesty's reign, cap. 116, or any other act or acts of parliament now in force relating to the redemption and sale of the land tax.				

PART THE SECOND.		DUTY.		
		£	s.	d.
Proceedings in the ecclesiastical courts, and in the high court of delegates, in ecclesiastical matters, in <i>England</i> .				
<b>AFFIDAVIT</b> to be filed, read or used in any of the said courts ...		0	5	0
<b>ALLEGATION</b> in any of the said courts ...		0	5	0
<b>ANSWER</b> in any of the said courts ...		0	5	0
<b>APPEAL</b> from any definitive sentence or final decree, or from any interlocutory decree or order, of the court of arches, or the prerogative court of <i>Canterbury</i> or <i>York</i> ...		15	0	0
<b>CITATION</b> issuing out of any of the said courts ...		0	5	0
<b>COMMISSION</b> issuing out of any of the said courts ...		0	5	0
<b>COPY</b> , ( <i>i. e.</i> office copy) of any affidavit filed, read or used in any of the said courts ...		0	5	0
<b>COPY</b> , ( <i>i. e.</i> office copy) of any citation or monition, issued out of any of the said courts ...		0	5	0

SCHEDULE, PART II.		DUTY.		
		£	s.	d.
COPY, (i. e. office copy) of any libel, allegation, answer, interrogatories, depositions or inventory filed or exhibited in any of the said courts ... ..		0	5	0
COPY (i. e. office copy) of any interlocutory decree or order, or of any definitive sentence or final decree of any of the said courts... ..		0	5	0
DECREE final, or definitive sentence, in any of the said courts ... ..		0	5	0
DEPOSITIONS taken in any of the said courts, or by commission from the same ... ..		0	5	0
EXEMPLIFICATION under the seal of any of the said courts, of any record or proceeding therein ...		3	0	0
INHIBITION issuing out of any of the said courts		0	5	0
INTERROGATORIES filed or exhibited in any of the said courts ... ..		0	5	0
INVENTORY filed or exhibited in any of the said courts ... ..		0	5	0
LIBEL filed or exhibited in any of the said courts ...		0	5	0
MONITION issuing out of any of the said courts ...		0	5	0
SENTENCE definitive, or final decree, of any of the said courts ... ..		0	5	0
WARRANT, mandate or authority, given to any proctor, to commence, carry on or defend any suit or prosecution in any of the said courts, for the memorandum or minute thereof to be entered or filed of record ...		0	5	0

56 GEORGE 3, CAP. 56, SECS. 1 & 2, 110—112.—*An act to repeal the several stamp duties in Ireland, and also several acts for the collection and management of the said duties, and to grant new stamp duties in lieu thereof; and to make more effectual regulations for collecting and managing the said duties.*—Whereas an act was passed in the fifty-fifth year of his present majesty's reign, intituled *an act to repeal* 55 G. 3, c. 78. *the several duties under the care of the commissioners for managing the stamp duties in Ireland, and to grant new duties in lieu thereof:* and whereas another act was passed in the said year, intituled *an act to* 55 G. 3, c. 79. *regulate the collection and management of the stamp duties on law proceedings, attornies, solicitors, proctors, and corporate officers in Ireland:* and whereas another act was passed in the said year, intituled *an* 55 G. 3, c. 81. *act to repeal the several acts for the collection and management of stamp duties in Ireland, and to make more effectual regulations for collecting and managing the said duties in general:* and whereas it is expedient that the said recited acts should be repealed, and that other and increased duties of stamps should be granted in lieu of the duties aforesaid, and that the regulations hereinafter contained should be established for the collection and management of all stamp duties in Ireland: may it therefore please your majesty that it may be enacted; and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by

Recited acts  
repealed,

except as to  
the recovery  
of arrears,  
&c.

Duties speci-  
fied in  
schedule  
annexed to  
be levied,  
and the  
allowances  
therein  
described  
made.

Collations,  
presenta-  
tions, &c. to  
be filed in  
registry of  
diocese and  
certificate  
obtained that  
instruments  
have been  
duly stamp-  
ed, if stamps  
are required,  
&c.

the authority of the same, that from and after the commencement of this act, the said recited acts, and all duties by the said acts, or any of them, granted or imposed, and all allowances in respect of the said duties, and all regulations contained in the said acts for collecting or enforcing of the said duties, or any of them, shall be and the same are hereby repealed; save and except so far as the said acts, or any of them, repeal any former act or acts of parliament, or any clause, matter, or thing therein contained; and save as to the raising, recovering, allowing, or paying, after the commencement of this act, of any arrears of duty or allowances under the said acts, or any of them, or any other act or acts of parliament which shall then remain unrepealed; and save as to any proceeding commenced or to be commenced in any court, civil or criminal, or otherwise, against any person or persons for any fine, penalty, forfeiture, or punishment for or in respect of any crime or offence committed or to be committed, before the commencement of this act, against the said acts, or any of them, or any other act or acts of parliament in anywise relating to the collection or management of stamp duties, which, if committed after the commencement of this act, would under the provisions thereof, or of such other act or acts as aforesaid, subject the offender to the same or a greater fine, forfeiture, penalty or punishment respectively.

II. And be it further enacted, that from and after the commencement of this act, in lieu and instead of the duties and allowances by this act repealed, there shall be granted, raised, levied, collected, and paid, in *Ireland*, unto his majesty, his heirs and successors, for and in respect of the several instruments, articles, matters and things mentioned, enumerated and described in the schedule to this act annexed, the several sums of money and duties as they are respectively inserted, described and set forth in words and figures in the said schedule, and in each and every part thereof; and that there shall be allowed and paid for or in respect of all such articles, matters or things as are inserted, enumerated and described in the said schedule in that behalf, the several allowances inserted, described and set forth in the said schedule; and that no sum or sums of money shall be paid or given in the nature of discount or allowance on the purchase of stamps, other than such as is and are expressed and directed in the said schedule, any thing in any former act or acts to the contrary notwithstanding; and that the said schedule and every clause, regulation, matter and thing therein respectively contained, shall be deemed, taken, and considered as part of this act.

CX. And be it further enacted, that no collation, presentation or donation, to, of or for any benefice or spiritual or ecclesiastical promotion in *Ireland*, shall be good, valid or effectual, unless the same shall be in writing under hand and seal, and shall be duly stamped, if a stamp shall be necessary thereon; and that every such writing, as also all and every presentation or donation under the great seal of *Ireland*, shall be deposited with the registrar of the diocese, who shall forthwith cause the same to be filed in the registry of the diocese, and shall give to the person so depositing the same a certificate that the same has been so deposited, and such certificate shall

further state either that such instrument is duly stamped, or that the same is not by law subject to any stamp, and shall also state the date of such instrument, and the day of the month and year when such instrument was so deposited or filed, and no person shall be inducted into any benefice or promotion in *Ireland*, who shall not, previous to and at the time and place of such induction, produce such certificate to the person or persons authorized to make such induction, and if any induction shall be made contrary to this provision the same shall be wholly void and of no effect, and every person making the same shall forfeit and pay the sum of fifty pounds sterling.

Induction made to the contrary void. Penalty.

CXI. And be it further enacted, that every such registrar shall, for so receiving and filing such instrument, and granting such certificate thereof, be entitled to receive a fee of two shillings and sixpence and no more, and a fee of one shilling and sixpence for any new certificate of the same matter that may be afterwards required; and if any such registrar shall refuse, neglect, or omit to receive and file such instrument, or to grant any such new certificate, on reasonable demand thereof, or shall certify therein any thing which shall not be true, (of the truth whereof the proof shall lie on him), he shall for every such offence forfeit the sum of one hundred pounds sterling.

Registrars entitled to fee for such certificates.

Registrar offending.

Penalty.

CXII. And be it further enacted, that every person who, from and after the commencement of this act, or of any act requiring the filing of such instrument in *Ireland*, shall have received or shall receive any benefice or spiritual or ecclesiastical promotion in *Ireland*, shall be bound to produce and prove, and shall produce and prove such certificate as aforesaid, as part of his title to such benefice or promotion, upon any trial or hearing of any action, suit or proceeding for the recovery of any tithe or glebe or other purpose whatever, before any court of law or equity, or any ecclesiastical court, or any summary jurisdiction whatever, wherein it shall be necessary for him to produce or prove such his title, and that without the production and proof of such certificate, such court or jurisdiction shall deem such title to be imperfect and not duly proved, and shall decide accordingly, notwithstanding any consent or admission of the parties or any of them.

Beneficed persons to produce and prove such certificates.

*Schedules to which this Act refers.*

PART THE FIRST.				Duty.		
				£	s.	d.
ADMISSION of any person to act as an advocate in any of the ecclesiastical courts, or in the court of admiralty in <i>Ireland</i> ; for the register or entry thereof				30	0	0
ADMISSION of any person to act as a proctor in any ecclesiastical court held in the city or county of the city of <i>Dublin</i> ... ..				20	0	0
ADMISSION of any person to act as a proctor in any other ecclesiastical court in <i>Ireland</i> ... ..				10	0	0

SCHEDULE, PART I.		Duty.		
		£	s.	d.
APPOINTMENT of a chaplain, operating as a qualification to hold two ecclesiastical benefices in <i>Ireland</i>		2	0	0
ARTICLES OF APPRENTICESHIP, indenture or other instrument, whereby any person shall first become bound to serve as a clerk or an apprentice, in order to his admission as a proctor in the court of prerogative in <i>Dublin</i> , on each part of such articles or contract	... ..	50	0	0
ARTICLES OF APPRENTICESHIP, indenture or other instrument, whereby any person shall first become bound to serve as a clerk or an apprentice, in order to his admission as a proctor in any other court in <i>Ireland</i> , on each part of such articles or contract	... ..	5	0	0
ARTICLES OF APPRENTICESHIP, indenture or other instrument, for binding a clerk or an apprentice to a notary public, in order to his becoming a notary public, on each part of such articles	... ..	15	0	0
ARTICLES OF APPRENTICESHIP, indenture or other instrument or contract whereby any person shall become bound to serve as a clerk or apprentice, in order to his admission as a proctor, or as a notary public, in any of the courts aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated, or in any other event	... ..	1	10	0
And for any counterpart or duplicate thereof	...	1	10	0
BOND entered into by any person on obtaining a marriage licence	... ..	0	1	0
BOND on obtaining letters of administration	...	1	0	0
<i>Exemptions from the preceding and all other stamp duties.</i>				
Administration bonds, given by the widow, child, father, mother, brother or sister of any common seaman, marine or soldier, who shall be slain or die in the service of his majesty, his heirs or successors.				
Administration bond, given by any person where the estate to be administered shall not exceed twenty pounds in value.				
CERTIFICATE to be taken out yearly by every person admitted as a proctor in any of the ecclesiastical or admiralty courts in <i>Dublin</i> ;				-
If such proctor has been admitted for three years or upwards	... ..	8	0	0
If he shall not have been admitted for three years	... ..	3	0	0
The above certificate to authorize the party obtaining the same to practise as a proctor in any court in <i>Ireland</i> .				

SCHEDULE, PART I.	Duty.		
	£	s.	d.
CERTIFICATE to be taken out yearly by every person admitted, or who shall practise as a proctor in any ecclesiastical court in any other part of <i>Ireland</i> .			
If such person has been admitted for three years or upwards ... ..	3	0	0
Or if he shall not have been admitted for three years	1	0	0
COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity or promotion, in <i>Ireland</i> , of the yearly value of one hundred pounds ...	5	0	0
And for every one hundred pounds of the yearly value thereof, exceeding the first one hundred pounds a year, a further duty of ... ..	5	0	0
The value to be ascertained by certificate of the archbishop, bishop or vicar general of the diocese; provided always, that two or more benefices, episcopally united, shall be deemed one benefice only.			
COLLATION by any archbishop or bishop to any other ecclesiastical benefice, dignity, curacy or promotion whatsoever in <i>Ireland</i> .—See INSTITUTION, LICENCE, and PRESENTATION.			
COPY or EXTRACT of any will or codicil, deposited in any ecclesiastical court in <i>Ireland</i> ... ..	0	0	3
For every entire quantity of ninety words, over and above the first ninety words, a further duty of ...	0	0	3
DISPENSATION for holding two ecclesiastical dignities or benefices, or a dignity and benefice in <i>Ireland</i>	25	0	0
Dispensation or faculty from the lord archbishop of <i>Armagh</i> , or master of the faculties for the time being ... ..	25	0	0
And in all other cases ... ..	20	0	0
EXEMPLIFICATION or constat, under the great seal of <i>Ireland</i> , of any letters patent or grant, made or to be made by his majesty, his heirs or successors, or by any of his royal predecessors, of any honour, dignity or promotion, franchise, liberty or privilege to any person or persons, body or bodies politic or corporate, or of any lands, office or other thing whatsoever ... ..	20	0	0
And on every skin after the first ... ..	1	0	0
GRANT or letters patent, under the great seal of that part of the united kingdom of <i>Great Britain</i> and <i>Ireland</i> called <i>Ireland</i> .			
Of the honour or dignity of an archbishop ...	150	0	0
Of the honour or dignity of a bishop ...	100	0	0
Of any other honour, dignity or promotion whatsoever, or of any franchise, liberty or privilege, to any person or persons, body or bodies politic or corporate ...	20	0	0

SCHEDULE, PART I.	DUTY.
	£ s. d.
And where two or more honours or dignities shall be granted by the same letters patent to the same person, such letters patent shall be charged with the proper duty in respect of the highest in point of rank only.	
And where any honour or dignity, honours or dignities, shall be granted to any person or persons, in remainder, the letters patent shall be charged with such further duty, in respect of every remainder, as would have been payable for an original grant of the same honour or dignity, honours or dignities.	
And where any such grant or letters patent shall be contained in more than one skin, sheet or piece of vellum, parchment or paper, then for every skin, sheet or piece thereof, after the first, a further <i>progressive</i> duty of ... ..	20 0 0
<i>Exemptions from the preceding stamp duties.</i>	
Letters patent or briefs for collecting charitable benevolences.	
Letters patent for confirming any dispensation hereinbefore charged with a duty.	
INSTITUTION, granted by any archbishop, bishop, chancellor or other ordinary, or by any ecclesiastical court, in and to any ecclesiastical benefice, dignity or promotion in <i>Ireland</i> , provided that an institution to two or more benefices, episcopally united, shall be considered as an institution to a single benefice ...	2 0 0
Collation by an archbishop or bishop to be considered as equivalent to presentation and institution, and subject to the two duties accordingly.—See COL- LATION, LICENCE, and PRESENTATION.	
LICENCE, special, for marriage, to be issued from the court of prerogative in <i>Ireland</i> ... ..	5 0 0
LICENCE to be granted by any archbishop, bishop, vicar general or other competent authority in <i>Ireland</i> , for the non-residence of any clergyman upon his living ... ..	3 0 0
LICENCE of any kind, <i>not otherwise charged in this schedule</i> , which shall pass the seal of any archbishop, bishop or other ordinary, or of any ecclesiastical court in <i>Ireland</i> ... ..	1 10 0
<i>Exemption from the preceding and all other stamp duties.</i>	
Licences to stipendiary curates, where the annual amount of the stipend shall be specified, and also	

SCHEDULE, PART I.		DUTY.		
		£	s.	d.
licences to parish clerks and parish schoolmasters, whose respective emoluments shall not exceed one hundred pounds <i>per annum</i> . And also licences for marriage; except special licences hereinbefore charged with a duty of five pounds.				
LICENCE to act as a notary public in the city and county of the city of <i>Dublin</i> , or within the city and liberties of <i>Cork</i> , or within the cities or towns of <i>Waterford</i> , <i>Londonderry</i> , <i>Belfast</i> or <i>Newry</i> , or within five miles of the said several cities or towns respectively	...	6	0	0
In any other part of <i>Ireland</i> than those parts before described	...	3	0	0
NOTARIAL ACT, any whatsoever, not otherwise charged in this schedule	...	0	5	0
And for every sheet or piece of paper, parchment or vellum upon which the same shall be written, after the first, a duty of	...	0	5	0
PRESENTATION or donation, which shall pass the great seal of <i>Ireland</i> , or by any other patron;				
To any ecclesiastical benefice, dignity, admission or promotion, amounting to the yearly value of one hundred pounds	...	5	0	0
And for every one hundred pounds of the yearly value thereof, exceeding the first one hundred pounds a year, a further duty of	...	5	0	0
The value to be ascertained by certificate of the archbishop or bishop, or vicar general of the diocese; provided always, that two or more benefices, episcopally united, shall be deemed one benefice only.				
To any other ecclesiastical benefice, dignity, admission or promotion whatsoever in <i>Ireland</i>	...	10	0	0

SCHEDULE, PART II.		DUTY.		
		£	s.	d.
Proceedings in the ecclesiastical courts, and in the high court of delegates, in ecclesiastical matters, in <i>Ireland</i> .				
AFFIDAVIT to be filed, read or used in any of the said courts	...	0	2	0
ALLEGATION in any of the said courts	...	0	4	0
ANSWER in any of the said courts	...	0	4	0
APPEARANCE; on the entry of each appearance in the court of prerogative, and in the consistorial court in <i>Dublin</i> , for each and every defendant named in such entry	...	0	4	0



SCHEDULE, PART II.			Duty.		
			£	s.	d.
APPEARANCE in any other ecclesiastical court in <i>Ireland</i> ; on the sheet or piece of paper on which the appearance of each defendant shall be entered, and not on the entry thereof ... ..			0	2	0
APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order of the prerogative court, or from the metropolitan side of any archiepiscopal court ... ..			10	0	0
APPEAL from any diocesan court, or from the consistorial side of any archiepiscopal court, except appeals in suits for tithes ... ..			5	0	0
CITATION, primary, issuing out of any of the said courts, not otherwise charged ... ..			0	7	6
CITATION, not primary, issuing out of any of the said courts, not otherwise charged ... ..			0	5	0
CITATION in any suit for tithes ... ..			0	1	0
COMMISSION issuing out of the said courts, not herein otherwise particularly charged ... ..			0	7	6
COPY, attested or otherwise, issuing out of the said courts, of any affidavit filed, read or used in any of the said courts ... ..			0	0	3
COPY, attested or otherwise, issuing out of the said courts of any inventory filed or exhibited in any of the said courts, for each sheet containing any quantity of words ... ..			0	5	0
COPY of any citation, monition, mandate, prohibition, summons or requisition, issuing out of any of the said courts, for service on any party impugnant, or other party, on any proctor or other person on behalf of such party, except otherwise charged or expressly exempted from duty ... ..			0	5	0
COPY of every citation in suits for tithes ... ..			0	1	0
COPY, attested or otherwise, issuing out of the said courts, of any other process, of what nature or kind soever ... ..			0	5	0
COPY, attested or otherwise, issuing out of the said courts, of any libel, allegation, answer, interrogatories or depositions filed or exhibited in any of the said courts, for each and every skin of parchment, or sheet of paper, containing any quantity of words ... ..			0	1	0
COPY, attested or otherwise, issuing out of any of the said courts, of any interlocutory decree or order, or of any definitive sentence, or final decree, of any of the said courts ... ..			0	5	0
COPY, attested or otherwise, issuing out of the said courts, of any rule or order made or given on any petition or motion, or otherwise, whether such rule or order shall be made in open court or otherwise, and not otherwise charged ... ..			0	1	0

SCHEDULE, PART II.	DUTY.		
	£	s.	d.
DECREE final, or definitive sentence, or any order interlocutory, having the force of a definitive sentence, in any of the said courts, not otherwise charged ... ..	0	10	0
DECREE final, or definitive sentence, or any order interlocutory, having the force of a definitive sentence, in any of the said courts, in suits for recovery of tithes ... ..	0	1	0
DEPOSITIONS taken in any of the said courts, or by commission from the same ... ..	0	5	0
DISMISS ... ..	0	7	6
EXCEPTION to allegation, libel, answer, deposition, report or other pleading, upon each and every sheet of paper, or skin of parchment, containing such exception or exceptions ... ..	0	5	0
EXEMPLIFICATION under the seal of any of the said courts, of any record or proceeding therein ...	1	10	0
INHIBITION issuing out of any of the said courts ...	0	10	0
INTERROGATORIES filed or exhibited in any of the said courts ... ..	0	4	0
INVENTORY filed or exhibited in any of the said courts ... ..	0	5	0
LIBEL filed or exhibited in any of the said courts ...	0	4	0
MANDATE issuing out of the said courts ...	0	5	0
MONITION issuing out of any of the said courts ...	0	5	0
ORDER.—See RULE.			
PETITION, on the entry of each, in the high court of delegates, in the courts of prerogative and consistorial courts in <i>Dublin</i> , except in suits for tithes or otherwise ... ..	0	3	0
PETITION, in any other ecclesiastical court, except in suits for tithes on the sheet or piece of paper on which the same shall be written ... ..	0	3	0
PETITION in any ecclesiastical court in any suit for tithes ... ..	0	1	0
PROCESS of contempt for not appearing, or for not answering, on each ... ..	0	5	0
PROCESS of whatsoever other nature or kind soever, not otherwise charged, that shall issue out of the said courts ... ..	0	5	0
RELEASE of any kind relating to any proceeding carrying on in the said courts, not otherwise charged	0	10	0
RENUNCIATION of any kind ... ..	0	10	0
REQUISITION ... ..	0	7	6
RULE or ORDER, on the entry thereof, made or given on any petition or motion in the high court of delegates, and in the court of prerogative and consistorial court in <i>Dublin</i> , whether such rule or order shall be made in open court, or otherwise ...	0	1	0

SCHEDULE, PART II.			DUTY.		
			£	s.	d.
RULE or ORDER made in any other ecclesiastical court, on each sheet or piece of paper on which the same shall be written	...	...	0	1	0
SENTENCE interlocutory	...	...	0	10	0
SENTENCE definitive, or final decree or order having the force thereof, of any of the said courts	...	...	0	10	0
WRIT, mandate, subpoena, writ of habeas corpus, or other process whatsoever, <i>not otherwise charged in this schedule</i> , which shall issue out of, or pass the seal of, any of the courts in <i>Dublin</i> , whether the same be the superior courts of law or equity, or any of the ecclesiastical courts	...	...	0	4	0
<i>Exemptions from the preceding stamp duties.</i>					
All proceedings in suits for tithes, except where expressly charged in the foregoing schedule.					

5 GEORGE 4, CAP. 41, SEC. 1.—*An act to repeal certain duties on law proceedings in the courts in Great Britain and Ireland respectively; and for better protecting the duties payable upon stamped vellum, parchment, or paper.*—Whereas it is expedient to repeal the several stamp duties payable for or in respect of the several instruments herein-after mentioned; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the tenth day of *October* one thousand eight hundred and twenty-four, the several stamp duties or sums of money now payable in *Great Britain* and *Ireland* respectively, upon or for or in respect of the several instruments, matters or things mentioned, described and set forth in the schedule to this act annexed; and also upon or for or in respect of any bond to be given to the lord chancellor, lord keeper or commissioners of the great seal of *Great Britain* or *Ireland* respectively, for the time being, by any creditor or creditors petitioning for a commission of bankrupt; and also upon or for or in respect of any bond to be given in *Great Britain* or *Ireland* to any sheriff or other person upon the replevy of any goods or chattels; and also for or upon or in respect of the assignment of any of such bonds; and also for or upon or in respect of any copy or extract of any will or codicil deposited in any ecclesiastical court in *Great Britain* or *Ireland*; and also for or upon or in respect of any letter or power of attorney or proxy filed in any such ecclesiastical court; and also for or in respect of the vellum, parchment or paper upon which any such instrument, matter or thing, bond, assignment, copy or extract, letter or power of attorney or proxy, shall be written or printed, shall cease and determine; save and except such of the said respective duties or sums of money, or so much and such part or parts thereof, as shall have become or shall or may be payable or become due before or upon the said tenth day of *October* one thou-

From Oct. 10, 1824, duties mentioned in schedule annexed to cease;

as also the duties on bonds on commissions of bankrupt;

on bonds on replevy of goods;

and also on copy of wills or power of attorney, deposited in any ecclesiastical court.

Arrears excepted.

sand eight hundred and twenty-four, and remain in arrear or unpaid afterwards; all which duties and sums of money, or any part or parts which shall remain so in arrear or unpaid as aforesaid, shall be recoverable by the same ways and means, and with such and the same penalties, and in such and the same manner in all respects, as if this act had not been made.

*The Schedule to which this Act refers.*

Proceedings in the ecclesiastical courts, and in the high court of delegates in ecclesiastical matters in *England*.

	Duty.		
	£	s.	d.
AFFIDAVIT to be filed, read or used in any suit in any of the said courts ... ..	0	5	0
ALLEGATION in any of the said courts ... ..	0	5	0
ANSWER in any of the said courts ... ..	0	5	0
APPEAL from any definitive sentence or final decree, or from any interlocutory decree, or order of the court of arches, or the prerogative court of <i>Canterbury</i> or <i>York</i> ... ..	15	0	0
CITATION issuing out of any of the said courts ... ..	0	5	0
COMMISSION issuing out of the said courts in any suit ... ..	0	5	0
COPY ( <i>i.e.</i> office copy) of any affidavit filed, read or used in any of the said courts ... ..	0	5	0
COPY ( <i>i.e.</i> office copy) of any citation or monition issued out of any of the said courts ... ..	0	5	0
COPY ( <i>i.e.</i> office copy) of any libel, allegation, answer, interrogatories, depositions or inventory filed or exhibited in any of the said courts ... ..	0	5	0
COPY ( <i>i.e.</i> office copy) of any interlocutory decree or order, or of any definitive sentence or final decree of any of the said courts ... ..	0	5	0
DECREE final or definitive sentence in any of the said courts ... ..	0	5	0
DEPOSITIONS taken in any of the said courts, or by commission from the same ... ..	0	5	0
INHIBITION issuing out of any of the said courts ... ..	0	5	0
INTERROGATORIES filed or exhibited in any of the said courts ... ..	0	5	0
INVENTORY filed or exhibited in any suit in any of the said courts ... ..	0	5	0
LIBEL filed or exhibited in any of the said courts ... ..	0	5	0
MONITION issuing out of any of the said courts ... ..	0	5	0
SENTENCE definitive or final decree of any of the said courts ... ..	0	5	0
WARRANT, mandate or authority given to any proctor to commence, carry on or defend any suit or prosecution in any of the said courts, for the memorandum or minutes thereof to be entered or filed of record ..	0	5	6

Proceedings in the ecclesiastical courts, and in the high court of delegates in ecclesiastical matters, in *Ireland*.

	DUTY.		
	£	s.	d.
AFFIDAVIT to be filed, read or used in any suit in any of the said courts ... ..	0	2	0
ALLEGATION in any of the said courts ... ..	0	4	0
ANSWER in any of the said courts ... ..	0	4	0
APPEARANCE on the entry of each appearance in the court of prerogative, and in the consistorial court in <i>Dublin</i> , for each and every defendant named in such entry ... ..	0	4	0
APPEARANCE in any other ecclesiastical court in <i>Ireland</i> ; on the sheet or piece of paper on which the appearance of each defendant shall be entered, and not on the entry thereof ... ..	0	2	0
APPEAL from any definitive sentence or final decree, or from any interlocutory decree or order of the prerogative court, or from the metropolitan side of any archiepiscopal court ... ..	10	0	0
APPEAL from any diocesan court, or from the consistorial side of any archiepiscopal court ... ..	0	5	0
CITATION primary, issuing out of any of the said courts, not otherwise charged ... ..	0	7	6
CITATION not primary, issuing out of any of the said courts not otherwise charged ... ..	0	5	0
CITATION in any suit for tithes ... ..	0	1	0
COPY attested or otherwise, issuing out of the said courts, of any affidavit filed, read or used in any suit in any of the said courts ... ..	0	0	3
COPY attested or otherwise, issuing out of the said courts, of any inventory filed or exhibited in any suit in any of the said courts, for each sheet containing any quantity of words ... ..	0	5	0
COPY of any citation, monition, mandate, prohibition, summons or requisition, issuing out of the said courts, for service on any party impugnant or other party, on any proctor or other person on behalf of such party ... ..	0	5	0
COPY of every citation in suits for tithes ... ..	0	1	0
COPY attested or otherwise, issuing out of the said courts, of any other process, of what nature or kind soever ... ..	0	5	0
COPY attested or otherwise, issuing out of the said courts, of any libel, allegation, answer, interrogations or depositions, filed or exhibited in any of the said courts, for each and every skin of parchment or sheet of paper, containing any quantity of words ... ..	0	1	0
COPY attested or otherwise, issuing out of any of the said courts, of any interlocutory decree or order, or of any definitive sentence or final decree of any of the said courts ... ..	0	5	0

Proceedings in the ecclesiastical courts in Ireland—continued.	DUTY.
	£ s. d.
COPY attested or otherwise, issuing out of any of the said courts, of any rule or order made or given on any petition or motion, or otherwise, in any suit, whether such rule or order shall be made in open court or otherwise, and not otherwise charged ...	0 1 0
DECREE final or definitive sentence, or any other interlocutory, having the force of a definitive sentence, in any of the said courts, not otherwise charged ...	0 10 0
DECREE final or definitive sentence, or any other interlocutory, having the force of a definitive sentence, in any of the said courts, in suits for recovery of tithes	0 1 0
DEPOSITIONS taken in any of the said courts, or by commission from the same ... ..	0 5 0
DISMISS ... ..	0 7 6
EXCEPTION to allegation, libel, answer, deposition, report or other pleading, upon each and every sheet of paper or skin of parchment containing such exception or exceptions ... ..	0 5 0
INTERROGATORIES filed or exhibited in any of the said courts ... ..	0 4 0
INVENTORY filed or exhibited in any suit in any of the said courts ... ..	0 5 0
LIBEL filed or exhibited in any of the said courts ...	0 4 0
MANDATE issuing out of the said courts ...	0 5 0
MONITION issuing out of any of the said courts ...	0 5 0
PETITION on the entry of any rule or order in any suit in the high court of delegates, in the courts of prerogative and consistorial courts in <i>Dublin</i> , except in suits for tithes, or otherwise ... ..	0 3 0
PETITION in any suit in any other ecclesiastical court, on the sheet or piece of paper on which the same shall be written ... ..	0 3 0
PETITION in any ecclesiastical court in any suit for tithes ... ..	0 1 0
PROCESS of contempt for not appearing or for not answering, upon each ... ..	0 5 0
PROCESS of whatsoever other nature or kind, not otherwise charged, that shall issue out of the said courts ... ..	0 5 0
RELEASE of any kind, relating to any proceeding carrying on in the said courts, and not otherwise charged	0 10 0
RENUNCIATION in any suit in the said courts ...	0 10 0
REQUISITION in any suit in the said courts ...	0 7 6
RULE or ORDER, on the entry thereof, made or given on any petition or motion in any suit in the high court of delegates, and in the court of prerogative and consistorial court in <i>Dublin</i> , whether such rule or order shall be made in open court or otherwise ... ..	0 1 0

Proceedings in the ecclesiastical courts in Ireland—continued.			Duty.		
			£	s.	d.
RULE or ORDER made in any suit in any other ecclesiastical court, on each sheet or piece of paper on which the same shall be written	...	...	0	1	0
SENTENCE interlocutory	...	...	0	10	0
SENTENCE definitive, or final decree or order, having the force thereof, of any of the said courts	...	...	0	10	0
WRIT, mandate, subpoena, writ of habeas corpus or other process whatsoever, which shall issue out or pass the seal of any of the courts in <i>Dublin</i> , whether the same be the supreme courts of law or equity or any of the ecclesiastical courts	...	...	0	4	0

1 & 2 VICTORIA, CAP. 85.—*An act to authorize the using in any part of the united kingdom stamps denoting duties payable in Great Britain and Ireland respectively.*—Whereas under and by virtue of the laws in force separate and distinct stamps are used for denoting the stamp duties payable in *Great Britain* and *Ireland* respectively, and it is expedient to permit stamps denoting the duties payable on deeds or instruments in either of the said parts of the united kingdom of *Great Britain* and *Ireland* to be used for deeds or instruments liable to stamp duties payable in the other part of the said united kingdom: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act any deed or instrument liable to any stamp duty payable in either part of the said united kingdom, and for or upon which any stamp or stamps denoting a stamp duty or stamp duties payable in the other part of the united kingdom shall have been at any time heretofore or shall be at any time hereafter used, of equal or greater amount with or than the duty or duties chargeable by law upon or in respect of such deed or instrument, shall nevertheless be deemed valid and effectual in the law: provided always, that nothing herein contained shall extend to authorize the using of any stamp denoting any of the law, chancery, or exchequer fund duties in *Ireland* for any instrument other than such as is or shall be liable to the duty denoted by such stamp, nor to authorize the using for any instrument liable to any of the said last mentioned duties any stamp other than such as is or may be provided and appropriated for denoting the duty to which such last mentioned instrument is or may be liable, nor to authorize the using for any instrument any stamp specially appropriated to any other instrument, by having its name on the face thereof.

5 & 6 VICTORIA, CAP. 79, SECS. 1 & 2.—*An act to repeal the duties payable on stage carriages and on passengers conveyed upon railways, and certain other stamp duties in Great Britain, and to grant other duties in lieu thereof; and also to amend the laws relating to the stamp duties.*—Whereas by an act passed in the ..... fifty-fifth year of the reign of king *George* the third, intituled *an act for repealing*

Stamps denoting duties payable in one part of the united kingdom may be used for instruments liable to stamp duties payable in any other part.  
Proviso.

*the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof,* certain stamp duties were granted and imposed, amongst others, upon bills of lading and charter parties in *Great Britain*, and upon instruments of collation, donation, presentation, and institution of and to any ecclesiastical benefice, dignity, or promotion in *England*, and upon certain licences hereinafter mentioned; and it is expedient that all the said duties should be repealed, and others granted in lieu thereof; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act ..... the several and respective duties of twenty pounds and ten pounds upon any collation, donation, or presentation of or to any ecclesiastical benefice, dignity, or promotion in *England*, and the several and respective duties of two pounds, thirty pounds, and fifteen pounds upon any institution in and to any ecclesiastical benefice, dignity, or promotion in *England*, and the duty of two pounds upon any licence which shall pass the seal of any archbishop, bishop, chancellor, or other ordinary, or of any ecclesiastical court in *England*, so far as relates to any licence to hold a perpetual curacy in *England*, not proceeding upon a nomination, shall severally cease and determine, and the same shall be and are hereby repealed, save and except such of the said respective duties, or so much and such part or parts thereof respectively, as shall have become due or payable or have been incurred before or upon the day appointed for the commencement of this act with regard to such duties respectively, all which said duties or parts of duties so due or incurred, or remaining to be paid as aforesaid, shall be recoverable by the same ways and means, and with and under the same penalties, and in the same manner, in all respects, as if this act had not been made.

Duties repealed on collations, presentations, &c. to benefices.

II. And be it enacted, that in lieu of the duties by this act repealed there shall be raised, levied, collected, and paid, unto and for the use of her majesty, her heirs and successors, in and throughout *Great Britain*, for and in respect of ..... the several instruments, matters, and things mentioned and described in the schedule to this act annexed, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, and things, or any of them, shall be written or printed, the several duties or sums of money set down in figures against the same respectively, or otherwise specified and set forth in the same schedule; and that the said schedule shall be deemed and taken to be a part of this act; and that all the said duties shall be under the care and management of the commissioners of stamps and taxes for the time being, and shall be denominated and deemed to be stamp duties.

New duties to be levied, as set forth in the schedule.

To be under the commission of stamps and taxes.

[Schedule.



## SCHEDULE.

	DUTY.
	£ s. d.
COLLATION or appointment by any archbishop or bishop to any cathedral, prebend, dignity, office, or honorary canonry, having no endowment or emolument attached or belonging thereto ... ..	2 0 0
COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in <i>England</i> , other than as aforesaid ... ..	7 0 0
And where the net yearly value of such benefice, dignity, or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof, over and above the first two hundred pounds, a further duty of ...	5 0 0
DONATION or PRESENTATION by her majesty, or her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in <i>England</i> ...	5 0 0
And where the net yearly value of such benefice, dignity or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof, over and above the first two hundred pounds, a further duty of ...	5 0 0
INSTITUTION granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, to any ecclesiastical benefice, dignity, or promotion in <i>England</i> :	
Where the same shall proceed upon a presentation...	2 0 0
And where it shall proceed upon the petition of the patron to be himself admitted and instituted...	7 0 0
And if in the latter case the net yearly value of such benefice, dignity, or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof, over and above the first two hundred pounds, a further duty of ...	5 0 0
Note:—the value of such benefice, dignity, or promotion in any and every of the cases aforesaid to be ascertained by the certificate of the ecclesiastical commissioners for <i>England</i> : provided always, that two or more benefices episcopally or permanently united shall be deemed one benefice only,	
LICENCE to hold a perpetual curacy not proceeding upon a nomination ... ..	3 10 0

5 & 6 VICTORIA, CAP. 82, SECS. 1, 2, & 4.—*An act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same, until the tenth day of October, one thousand eight hundred and forty-five.*—Most gracious sovereign, whereas it is expedient to assimilate the stamp duties in *Great Britain and Ireland*, and for that purpose to repeal certain

of the stamp duties now payable in *Ireland*, and to grant others in lieu thereof, towards raising the necessary supplies to defray your majesty's public expenses, and making an addition to the public revenue: we, your majesty's most dutiful and loyal subjects, have therefore freely and voluntarily resolved to give and grant unto your majesty the several rates and duties hereinafter mentioned, and do most humbly beseech your majesty that it may be enacted; and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act the duties ..... now payable in *Ireland* granted by an act passed in the fifty-sixth year of the said king's reign, intituled *an act to repeal the several stamp duties in Ireland, and also several acts for the collection and management of the said duties, and to grant new stamp duties in lieu thereof; and to make more effectual regulations for collecting and managing the said duties; .....* shall cease and determine, save and except such of the said duties and composition for duties, or so much and such parts thereof respectively, as shall then have become due or payable, and shall remain in arrear and unpaid, .....

Repeal of duties on deeds, &c. granted by 56 G. 3, c. 56.

II. And be it enacted, that (save and except for or in respect of the articles, matters, and things mentioned or specified in the schedule to this act annexed) there shall be granted, raised, levied, collected, and paid, in *Ireland*, unto and for the use of her majesty, her heirs and successors, in lieu of the duties and composition for duties hereby repealed, the several sums of money, and duties and composition for duties, following; (that is to say), for and in respect of the several instruments, articles, matters, and things mentioned, enumerated, and described, *mutatis mutandis*, in the schedule to an act passed in the fifty-fifth year of the reign of king *George* the third, intituled *an act for repealing the stamp duties on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof*, (except those standing under the head of exemptions), or for or in respect of all instruments, articles, matters, and things of the like nature, kind, and description, respectively, in *Ireland*, or of the vellum, parchment, or paper upon which such instruments, articles, matters, and things, or any of them, shall be written or printed, such and the like duties as by or under the said last mentioned act, or by or under any subsequent act, are now payable in *England* for or in respect of the said instruments, articles, matters, and things respectively mentioned, enumerated, and described in the said schedule to the said act of the fifty-fifth year of the reign of king *George* the third annexed, or for or in respect of the vellum, parchment, or paper whereon such instruments, articles, matters, or things respectively are written or printed; .....

On deeds, &c. the same as in England granted by 56 G. 3, c. 184.

IV. Provided also, and be it enacted, that no licence for marriage in *Ireland*, if not special, shall be liable to any stamp duty.

Marriage licences exempt, if not special.

[Schedule

*Schedule to which this Act refers.*

	DUTY.		
	£	s.	d.
<p>CERTIFICATE to be taken out yearly by every person admitted as an attorney or solicitor in any of her majesty's courts at <i>Dublin</i>, or in any other court in <i>Ireland</i> holding pleas, where the debt or damage amounts to forty shillings; and by every person admitted as a proctor, agent, or procurator in any of the ecclesiastical or admiralty courts in <i>Ireland</i>; and by every person admitted or enrolled or authorized to act as a notary public in <i>Ireland</i>; and also by every sworn clerk, clerk in court, and other clerk or officer in any of the courts aforesaid, who in his own name, or in the name of any other person, shall commence, prosecute, carry on, or defend any action, suit, prosecution, or other proceeding in any of the courts aforesaid, or do any notarial act whatever for or in expectation of any fee, gain, or reward as an attorney, solicitor, agent, proctor, procurator, or notary public, although not admitted or enrolled or authorized to act as such:</p> <p>If he shall reside in the city of <i>Dublin</i> or within three miles thereof;</p> <p>And if he shall have been admitted or enrolled or authorized to act or in possession of his office for the space of three years or upwards ...</p> <p>Or if he shall not have been admitted or enrolled or authorized to act or in possession so long ...</p> <p>If he shall reside elsewhere in <i>Ireland</i>, and if he shall have been admitted or enrolled or authorized to act or in possession of his office for the space of three years or upwards ...</p> <p>Or if he shall not have been admitted or enrolled or authorized to act or in possession so long ...</p> <p>But no person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the courts aforesaid.</p> <p>COLLATION or appointment by any archbishop or bishop to any cathedral, prebend, dignity, office, or honorary canonry, in <i>Ireland</i>, having no endowment or emolument attached or belonging thereto ...</p> <p>COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in <i>Ireland</i>, other than as aforesaid ...</p> <p>And where the net yearly value of such benefice, dignity, or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof over and above the first two hundred pounds, a further duty of ...</p>			
	12	0	0
	6	0	0
	8	0	0
	4	0	0
	2	0	0
	7	0	0
	5	0	0

	DUTY.		
	£	s.	d.
The value to be ascertained by certificate of the ecclesiastical commissioners for <i>Ireland</i> ; provided always, that two or more benefices episcopally united shall be deemed one benefice only.			
DISPENSATION, faculty, or other instrument for admitting or authorizing any person to act as a notary public in <i>Ireland</i> ... ..	20	0	0
DISPENSATION for holding two ecclesiastical dignities or benefices, or a dignity and a benefice, in <i>Ireland</i> ... ..	25	0	0
DISPENSATION or faculty of any kind not herein otherwise charged ... ..	25	0	0
GRANT or letters patent under the great seal of <i>Ireland</i> .			
Of the honour or dignity of an archbishop...	150	0	0
----- of a bishop ...	100	0	0
INSTITUTION granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court, to any ecclesiastical benefice, dignity, or promotion in <i>Ireland</i> , or to any two or more such benefices episcopally united.			
Where the same shall proceed upon a presentation .	2	0	0
And where it shall proceed upon the petition of the patron to be himself admitted and instituted ...	7	0	0
And if in the latter case the net yearly value of such benefice, dignity, or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof over and above the first two hundred pounds, a further duty of ...	5	0	0
The value to be ascertained as in the case of collation. See COLLATION.			
Provided always, that two or more benefices episcopally united shall be deemed one benefice only.			
But such petition shall not be liable to any stamp duty.			
LICENCE to hold a perpetual curacy not proceeding upon a nomination ... ..	3	10	0
<i>Exemption.</i>			
Licences to stipendiary curates, wherein the annual amount of the stipend shall be specified.			
PRESENTATION or donation by her majesty, her heirs or successors, or by any other patron, to any ecclesiastical benefice, dignity, or promotion in <i>Ireland</i> ... ..	5	0	0
And where the net yearly value of such benefice, dignity, or promotion shall amount to three hundred pounds or upwards, then for every one hundred pounds thereof over and above the first two hundred pounds, a further duty of ... ..	5	0	0

The value to be ascertained as in the case of Collation. See COLLATION.

Provided, that two or more benefices episcopally united shall be deemed one benefice only.

DUTY.

£ s. d.

5 & 6 Vict.  
c. 79.

The duties on donations and presentations by her majesty to extend to all donations and presentations by whomsoever made.

The certificate of the value of the benefice to be written upon the donation, &c.

6 & 7 VICTORIA, CAP. 72, SECS. 1, 2, & 5.—*An act to impose certain stamp duties, and to amend the laws relating thereto.*—Whereas by an act passed in the last session of parliament, intituled *an act to repeal the duties payable on stage carriages and on passengers conveyed upon railways, and certain other stamp duties in Great Britain, and to grant other duties in lieu thereof; and also to amend the laws relating to the stamp duties*, certain stamp duties were granted upon donations or presentations by her majesty, or her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in *England*, and upon collations by any archbishop or bishop to any such ecclesiastical benefice, dignity or promotion: and whereas it is expedient that the said duties should be paid upon all donations, presentations, and collations of or to ecclesiastical benefices, dignities, or promotions in *England*, by whomsoever made or granted; be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act the several and respective duties by the said recited act granted and imposed upon any donation or presentation by her majesty, or her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in *England*, shall be and the same are hereby respectively charged and made payable upon or for or in respect of every donation or presentation, by whomsoever made or granted, of or to any such ecclesiastical benefice, dignity, or promotion; and that the several duties by the said act granted and imposed upon any collation by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion in *England* shall be and the same are hereby charged and made payable upon or for and in respect of every collation to any such ecclesiastical benefice, dignity, or promotion, whether the same shall be made by any archbishop or bishop, or by any other ordinary or competent authority.

II. And be it enacted, that the certificate of the ecclesiastical commissioners for *England* for ascertaining the value of any benefice, dignity, or promotion, as required by the said act, shall in every case be written upon the instrument of donation, presentation, or collation respectively charged with duty by the said act or this act; and where institution shall proceed upon the petition of the patron to be himself admitted and instituted, such certificate shall be written upon the instrument of institution charged with duty by the said act, and no such instrument as aforesaid shall be used or be available unless nor until such certificate shall be so written thereon; and such instrument shall be stamped to denote the proper duty chargeable in respect thereof.

V. And whereas under and by virtue of another act passed in the last session of parliament, intituled *an act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same, until the tenth day of October one thousand eight hundred and forty-five*, bonds entered into by persons on obtaining marriage licences in Ireland are chargeable with a stamp duty of twenty shillings; ..... and it is expedient to exempt from such duty respectively all such bonds; ..... be it therefore enacted, that from and after the passing of this act the duty of twenty shillings chargeable, under or by virtue of the said last mentioned act, upon or for or in respect of any bond entered into by any person on obtaining a marriage licence in Ireland, shall cease and be no longer payable; .....

5 & 6 Vict.  
c. 83.

The duties on marriage bonds in Ireland repealed.

8 VICTORIA, CAP. 2.—*An act to continue for three years the stamp duties granted by an act of the fifth and sixth years of her present majesty to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same, until the tenth day of October one thousand eight hundred and forty-five*.—Most gracious sovereign, whereas by an act passed in the fifth and sixth years of your majesty's reign, intituled *an act to assimilate the stamp duties in Great Britain and Ireland, and to make regulations for collecting and managing the same, until the tenth day of October one thousand eight hundred and forty-five*, certain rates and duties denominated stamp duties were granted to your majesty for a term therein limited, which will expire on the tenth day of October one thousand eight hundred and forty-five: we your majesty's most dutiful and loyal subjects, the commons of the united kingdom of Great Britain and Ireland, in parliament assembled, towards raising the necessary supplies to defray your majesty's public expenses, have freely and voluntarily resolved to continue the said rates and duties, and to grant the same to your majesty for the period hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted; and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all the several sums of money, and duties, and composition for duties, granted by the said recited act, and not repealed by any subsequent act, and also all duties now payable in lieu or instead of any of the said duties which may have been so repealed, shall be and the same are hereby continued, and shall be charged, raised, levied, collected, and paid, unto and for the use of her majesty, her heirs and successors, for the term of three years, to commence on and to be computed from the tenth day of October one thousand eight hundred and forty-five.

5 & 6 Vict.  
c. 83.

Duties continued for three years.

II. And be it enacted, that the said recited act, and all and every other act and acts now in force in relation to the duties granted by the said recited act, shall severally be continued and remain in full force, and be of the like effect in all respects in relation to the duties hereby continued and granted, as if the said duties had been originally granted by the said recited act for a period which did not expire before the end of the term for which the same are continued and granted by this act; and all and every the powers and autho-

Acts continued in force.

rities, rules, regulations, directions, penalties, forfeitures, clauses, matters, and things, contained in the said acts or any of them, and in force as aforesaid, shall severally and respectively be duly observed, practised, applied, and put in execution in relation to the said duties hereby continued and granted, as well during the term herein limited as after the expiration thereof, for the charging, raising, levying, paying, accounting for, and securing of the said duties, and all arrears thereof, and for the preventing, detecting, and punishing of all frauds, forgeries, and other offences relating thereto, as fully and effectually to all intents and purposes as if the same powers, authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters, and things were particularly repeated and re-enacted in the body of this act with reference to the said duties hereby granted.

Act may be  
amended, &c.

III. And be it enacted, that this act may be amended or repealed by any act to be passed in this present session of parliament.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## STAR CHAMBER.

3 HENRY 7.—*The king our sovereign lord Henry the seventh, by the grace of God king of England and of France, and lord of Ireland, at his parliament holden at Westminster the ninth day of November, in the third year of his reign, to the worship of God and holy church, and for the common wealth of this his realm, by the advice of his lords spiritual and temporal, and the commons in the present parliament assembled, and by authority of the same parliament, hath ordained and established certain statutes and ordinances, in manner and form as hereafter ensueth.*

3 HENRY 7, CAP. 1, SEC. 1.—*The authority of the court of star chamber.*—First, the king our said sovereign lord remembereth, how <sup>3 Inst. 164.</sup> by unlawful maintenances, giving of liveries, signs, and tokens, and retainders by indentures, promises, oaths, writings, or otherwise embraceries of his subjects, untrue demeanings of sheriffs in making of panels, and other untrue returns, by taking of money, by juries, by great riots, and unlawful assemblies, the policy and good rule of this realm is almost subdued, and for the not punishing of these inconveniences, and by occasion of the premises, little or nothing may be found by inquiry, whereby the laws of this land in execution may take little effect, to the increase of murders, robberies, perjuries, and unsurities of all men living, and losses of their lands and goods, to the great displeasure of Almighty God: therefore it is ordained, for reformation of the premises, by authority of the said parliament, that the chancellor and treasurer of *England* for the time being, and keeper of the king's privy seal, or two of them, calling to them a bishop, and a temporal lord of the king's most honorable council, and the two chief justices of the king's bench, and common place, for the time being, or other two justices in their absence, upon bill or information put to the said chancellor for the king, or any other, against any person for any misbehaviour afore rehearsed, have authority to call before them by writ, or by privy seal, the said misdoers, and them, and other by their discretion, by whom the truth may be known, to examine, and such as they find therein defective, to punish them after their demerits, after the form and effect of statutes thereof made, in like manner and form as they should and ought to be punished, as if they were thereof convict after the due order of the law. ....

The authority of the court of star chamber. Repealed by 16Car.1, c.10.

16 CHARLES 1, CAP. 10, SEC. 3.—*An act for the regulating of the privy council, and for taking away the court commonly called the star chamber.*

III. Be it ordained and enacted by the authority of this present parliament, that the said court commonly called the star chamber, and all jurisdiction, power and authority belonging unto, or exercised in the same court, or by any the judges, officers or ministers thereof, be from the first day of *August* in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away and determined; and that from the said first day of *August* neither the lord chancellor, or keeper of the great seal of

Court of star chamber, and all its powers dissolved.



*England*, the lord treasurer of *England*, the keeper of the king's privy seal, or president of the council, nor any bishop, temporal lord, privy councillor or judge, or justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever, in the said court commonly called the star chamber, or to make, pronounce or deliver any judgment, sentence, order or decree, or to do any judicial or ministerial act in the said court: and that all and every act and acts of parliament, and all and every article, clause and sentence in them, and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said court commonly called the star chamber, or unto all or any the judges, officers or ministers thereof, or for any proceedings to be had or made in the said court, or for any matter or thing to be drawn into question, examined or determined there, shall for so much as concerneth the said court of star chamber, and the power and authority thereby given unto it, be from the said first day of *August* repealed, and absolutely revoked and made void.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## SUBSIDIES.

9 HENRY 3, CAP. 37.—*A subsidy in respect of this charter, and the charter of the forest, granted to the king.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 514.

32 HENRY 8, CAP. 23.—A confirmation of a subsidy to be paid within two years, of four shillings in the pound granted to the king by the clergy of the province of *Canterbury*, and of such sums of money which after shall be granted to him by the clergy of the EXP. province of *York*.

8 ELIZABETH, CAP. 17.—A confirmation of a subsidy of four Taxes. shillings in the pound granted to the queen by the clergy, to be paid in three years. EXP.

18 ELIZABETH, CAP. 22.—The confirmation of a subsidy of six Subsidy. shillings in the pound, granted to the queen by the clergy, to be paid in three years. EXP.

23 ELIZABETH, CAP. 14.—A confirmation of a subsidy of six Taxes. shillings and eightpence in the pound, granted to the queen by the clergy, to be paid in three years. EXP.

29 ELIZABETH, CAP. 7.—A subsidy of six shillings in the pound Subsidy. granted to the queen by the clergy, to be paid in three years. EXP.

31 ELIZABETH, CAP. 14.—A confirmation of two subsidies of Subsidies. six shillings in the pound, granted to the queen by the clergy, to be paid yearly by two shillings in the pound. EXP.

35 ELIZABETH, CAP. 12.—A confirmation of two subsidies of Subsidies. four shillings in the pound, to be paid in two years, granted to the queen by the clergy. EXP.

39 ELIZABETH, CAP. 26.—A confirmation of three subsidies of Subsidies. four shillings in the pound, granted to the queen by the clergy, to be paid at six several days. EXP.

43 ELIZABETH, CAP. 17.—A confirmation of four subsidies of Subsidies. four shillings in the pound, granted to the queen by the clergy. EXP.

3 JAMES 1, CAP. 25.—A confirmation of four subsidies of four shillings in the pound, granted to the king by the clergy. EXP.

18 JAMES 1, CAP. 1.—Three entire subsidies granted by the spirituality. EXP.

21 JAMES 1, CAP. 33.—Four entire subsidies granted by the spirituality. EXP.

1 CHARLES 1, CAP. 5.—Three entire subsidies granted by the spirituality. EXP.

3 CHARLES 1, CAP. 6.—Five subsidies granted by the spirituality. EXP.

15 CHARLES 2, CAP. 10.—An act for confirming of four subsidies granted by the clergy. EXP.

## SUPREMACY.

25 HENRY 8, CAP. 21.—*The act concerning peler-pence and dispensations.*—See Title—"DISPENSATIONS FROM ROME ABOLISHED," vol. ii. p. 515.

26 HENRY 8.—*Acts made in the session of this present parliament, holden upon prorogation at Westminster, the third day of November, in the six and twentieth year of the reign of our most dread sovereign lord king Henry the eighth, and there continued and kept till the eighteenth day of December next ensuing, to the honour of God, and for the common weal and profit of this his realm.*

The king shall be reputed supreme head of the church of England, and correct all heresies and offences.

26 HENRY 8, CAP. 1.—*The king's grace to be authorized supreme head.*—Albeit the king's majesty justly and rightfully is and ought to be the supreme head of the church of *England*, and so is recognised by the clergy of this realm in their convocations, yet nevertheless for corroboration and confirmation thereof, and for increase of virtue in Christ's religion within this realm of *England*, and to repress and extirp all errors, heresies, and other enormities and abuses heretofore used in the same: be it enacted by authority of this present parliament, that the king our sovereign lord, his heirs and successors, kings of this realm, shall be taken, accepted and reputed the only supreme head in earth of the church of *England*, called *Anglicana ecclesia*; and shall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and style thereof, as all honours, dignities, preeminences, jurisdictions, privileges, authorities, immunities, profits and commodities to the said dignity of supreme head of the same church belonging and appertaining; and that our said sovereign lord, his heirs and successors, kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain and amend all such errors, heresies, abuses, offences, contempts and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained or amended, most to the pleasure of Almighty God, the increase of virtue in Christ's religion, and for the conservation of the peace, unity and tranquillity of this realm; any usage, custom, foreign laws, foreign authority, prescription, or any other thing or things to the contrary hereof notwithstanding.

Repealed by 1 & 2 P. & M. c. 8, and revived by 1 Eliz. c. 1.

25 H. 8, c. 12.  
28 H. 8, c. 7.  
1 & 2 P. & M.  
c. 8.  
1 Eliz. c. 1.

26 HENRY 8, CAP. 2.—The oath of obedience to the king and the heirs of his body begotten of queen *Anne*. Any former oath made to be reputed vain and annihilate. The exposition of the oath, and who have and shall be bound to take it. Certificate shall be made into the *king's bench* of the refusers of the oath.

28 HENRY 8, CAP. 7, SEC. 21.—*An act for the establishment of the imperial crown of this realm.*

XXI. And for the more sure establishment of the succession of your most royal majesty, according to the tenor and form of this act. Be it further enacted by authority aforesaid, that as well all

the nobles of your realm spiritual and temporal, as all other your subjects now living and being, or that hereafter shall be at their full ages, by the commandment of your majesty, or of your heirs or successors, at all times hereafter from time to time when it shall please your highness, or your heirs or successors to appoint, shall make a corporal oath in the presence of your highness, or your heirs or successors, or before such other as your majesty or your heirs or successors will assign for the same, for the keeping, observing, defending, avowing, and maintaining of this act, and of all things that shall be done by your highness by authority thereof, according to the tenor of an oath hereafter ensuing, that is to say :

**Y**E shall swear to bear faith, truth, and obedience alone to the Oath.  
king's majesty, supreme head in earth under God of the church of *England*, during his life, and to his heirs of his body of his most dear and entirely beloved lawful wife queen *Jane*, begotten and to be begotten and procreated: and further to the heirs of our said sovereign lord, according to the limitation in the statute made for surety of his succession in the crown of this realm, in the parliament begun and holden at *Westminster* in the eighth day of *June*, in the eight and twentieth year of the king's most gracious reign. And also for lack of such heirs, to such person and persons as the king's highness shall limit and appoint to succeed to the crown, by virtue and authority of the same act, and not to any other within this realm, nor foreign authority, power or potentate. And in case any other oath be made or hath been made by you to any person or persons, that then ye to repute the same as vain and annihilate. And that to your cunning, wit, and uttermost of your power, without guile, fraud, or other undue manner, ye shall observe, keep, maintain and defend the said act of succession made in the said parliament, begun and holden at *Westminster* in the said eighth day of *June*, in the said eight and twentieth year of the king's most royal reign, and all the whole effects and contents thereof, and all things that shall be done by the king's highness by authority of the same, and all other acts and statutes made in confirmation, or for execution of the same, or of any thing therein contained: and this ye shall do against all manner of persons, of what estate, dignity, degree, or condition soever they be: and in no wise do or attempt, nor to your power suffer to be done, or attempted directly or indirectly, any thing or things privily or apertly, to the let, hindrance, damage, or derogation thereof, or of any part of the same, or of any thing or things that shall be done by the king's highness, by virtue or authority of the same act, by any manner of means, or for any manner of pretence.

*So help you God, all saints, and the holy evangelists.*

28 HENRY 8, CAP. 10.—*An act extinguishing the authority of the bishop of Rome.*—Forasmuch as notwithstanding the good and wholesome laws, ordinances and statutes heretofore made, enacted and established by the king's highness our most gracious sovereign lord, and by the whole consent of his high court of parliament, for the extirpation, abolition, and extinguishment out of this realm, and other his grace's dominions, seigniories, and countries, of the pretended power and usurped authority of the bishop of *Rome*, by some

Many good laws have been formerly made against the papal authority.

which is highly prejudicial to religion and government,

and deprived the king of his supremacy, and the kingdom of great treasure,

notwithstanding which laws, the papal authority is still privately promoted.

Enacted, that all persons, maintaining the authority of the pope, shall incur

called the pope, used within the same or elsewhere, concerning the same realm, dominions, seigniories, or countries, which did obfuscate and wrest God's holy word and testament a long season from the spiritual and true meaning thereof, to his worldly and carnal affections, as pomp, glory, avarice, ambition, and tyranny, covering and shadowing the same with his human and politic devices, traditions, and inventions, set forth to promote and establish his only dominion, both upon the souls and also the bodies and goods of all christian people, excluding Christ out of his kingdom and rule of man's soul, as much as he may, and all other temporal kings and princes out of their dominions, which they ought to have by God's law, upon the bodies and goods of their subjects: whereby he did not only rob the king's majesty, being only the supreme head of this his realm of *England* immediately under God, of his honour, right and preeminence, due unto him by the law of God, but spoiled this his realm yearly of innumerable treasure, and with the loss of the same deceived the king's loving and obedient subjects, persuading to them by his laws, bulls, and other his deceivable means, such dreams, vanities, and fantasies as by the same many of them were seduced and conveyed unto superstitious and erroneous opinions: so that the king's majesty, the lords spiritual and temporal, and the commons in this realm, being over wearied and fatigued with the experience of the infinite abominations and mischiefs, proceeding of his impostures, and craftily colouring of his deceits, to the great damage of souls, bodies, and goods, were forced of necessity for the public weal of this realm, to exclude that foreign pretended power, jurisdiction and authority, used and usurped within this realm, and to devise such remedies for their relief in the same, as doth not only redound to the honour of God, the high praise and advancement of the king's majesty and of his realm, but also to the great and inestimable utility of the same. And notwithstanding the said wholesome laws so made, and heretofore established, yet it is common to the knowledge of the king's highness, and also to divers and many his loving, faithful, and obedient subjects, how that divers seditious and contentious persons, being imps of the said bishop of *Rome* and his see, and in heart members of his pretended monarchy, do in corners and elsewhere as they dare, whisper, inculcate, preach, and persuade, and from time to time instil into the ears and heads of the poor simple and unlettered people, the advancement and continuance of the said bishop's feigned and pretended authority, pretending the same to have his ground and original of God's law, whereby the opinions of many be suspended, their judgments corrupted and deceived, and diversity in opinions augmented and increased, to the great displeasure of Almighty God, the high discontentation of our said most dread sovereign lord, and the interruption of the unity, love, charity, concord and agreement, that ought to be in a christian region and congregation. For avoiding whereof, and repression of the follies of such seditious persons, as be the means and authors of such inconveniencies: be it enacted, ordained and established by the king our sovereign lord, and the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, that if any person or persons, dwelling

demurring, inhabiting, or resiant within this realm, or within any other the king's dominions, seigniories, or countries, or the marches of the same, or elsewhere within or under his obeisance and power, of what estate, dignity, pre-eminence, order, degree, or condition soever he or they be, after the last day of *July*, which shall be in the year of our Lord God one thousand five hundred and thirty-six, shall by writing, cyphering, printing, preaching, or teaching, deed or act, obstinately or maliciously hold, or stand with, to extol, set forth, maintain or defend the authority, jurisdiction or power of the bishop of *Rome*, or of his see, heretofore claimed, used or usurped within this realm or in any dominion or country, being of, within, or under the king's power, or obeisance, or by any pretence obstinately or maliciously invent any thing, for the extolling, advancement, setting forth, maintenance, or defence of the same, or any part thereof, or by any pretence obstinately or maliciously attribute any manner of jurisdiction, authority, or pre-eminence to the said see of *Rome*, or to any bishop of the same see for the time being within this realm, or in any the king's dominions or countries: that then every such person or persons, so doing or offending, their aiders, assistants, comforters, abettors, procurers, maintainers, fautors, counsellors, concealers, and every of them, being thereof lawfully convicted, according to the laws of this realm, for every such default and offence shall incur and run into the dangers, penalties, pains, and forfeitures, ordained and provided by the statute of provision and *premunire*, made in the sixteenth year of the reign of the noble and valiant prince king *Richard* the second, against such as attempt, procure or make provision to the see of *Rome* or elsewhere, for any thing or things, to the derogation or contrary to the prerogative royal, or jurisdiction of the crown and dignity of this realm.

the pains of the statute of provision and premunire,

II. And to the intent that this act at all times may be well and truly executed, and the offenders thereof have and receive condign punishment according to their demerits: it is enacted by the authority aforesaid, that as well justices of assize in their circuits, as justices of peace within the limits of their commission and authorities, or two of every such justices of peace at the least, whereof one to be of the *quorum*, shall have full power and authority to inquire of all offences, contempts, and transgressions, perpetrated, committed, or done contrary to this act, in like manner and form as they may of other offences against the king's peace: and shall certify every presentment afore them or any of them had or made, concerning this act, or any part thereof, before the king in his bench, within forty days, next after any such presentment had or made, if the term be then open: and if not, then at the first day of the term next following the said forty days, upon pain that every of the justices of assize, or justices of peace, before whom such presentment shall be made, making default of such certificate contrary to this statute, to lose and forfeit forty pounds to the king's highness.

and justices of assize and of the peace shall inquire into the offences against this act,

and certify presentments into the king's bench, under pain of £10.

III. And it is enacted by the authority aforesaid, that the justices of the *king's bench*, as well upon every such certificate, as by inquiry before themselves within the limits of their authorities, shall have full power and authority, to hear, order and determine every such offence done or committed contrary to this act, according to the laws

the justices whereof shall proceed as in offences against the statute of provision

and premu-  
nure.

of this realm in such like manner and form, to all intents and purposes, as if the person or persons, against whom any presentment shall be had upon this statute, had been presented upon any matter or offence expressed in the said statute made in the said sixteenth year of king *Richard* the second.

also, ecclesi-  
astical judges  
shall inquire  
concerning  
ecclesiastical  
persons, in  
their visita-  
tions and  
seans.

IV. And it is also enacted by the authority aforesaid, that all and every archbishops, bishops, and archdeacons within this realm, their commissaries, vicars general, and other their ministers in every their visitation and seans, shall make diligent insearch, inquiry, and examination of all and every ecclesiastical and religious person within any of their jurisdiction, which shall be suspected, accused, or deemed to be a transgressor or offender of this act. And if upon such search, inquiry, and examination, any ecclesiastical or religious persons shall be presented, suspected, accused, or found culpable, by witness or confession of any offence, contrary to this act, and be present at the time of such presentment, examination, or accusation: that then every the archbishops, bishops and archdeacons, their commissaries, vicars general, and other their ministers, afore, or to whom any such person shall be presented, suspected, accused, or found culpable, as is aforesaid, shall commit every such person so presented, suspected, accused, or found culpable, if he be present, as is aforesaid, to the next common gaol of the shire where such inquiry, examination, or accusation shall be had or made, or else by good and sufficient sureties to be bounden by obligation to the king's use, shall let every such person to bail by their discretions, to appear before the king and his council in the star chamber, at *Westminster*, within fifteen days next after such inquiry, presentment, or accusation, if the term be then open and kept, or else in the first day of the term next following after the same inquiry, presentment, or accusation. And at the same day limited for such appearance, they shall certify into the said star chamber, by writing under their seals, as well the said bond and obligation taken for such appearance, as the presentment, examination, accusation, or conviction of every such person, and all depositions and circumstances thereof, and the name of the gaol whereunto they have committed the said person. And if any such ecclesiastical or religious person, being presented, suspected, or accused, in any seane or visitation, be not present at the time of the said seane or visitation as is aforesaid, that then nevertheless every the said archbishops, bishops, and archdeacons, their commissaries, vicars general, and all other their ministers, afore, or to whom any such presentment, suspicion, and accusation shall be had or made, shall certify every such presentment, suspicion, and accusation, and all circumstances thereof (as is aforesaid) into the star chamber at *Westminster*, within fifteen days next after such presentment, suspicion, and accusation had or made, or in the first day of the term next following after such presentment, suspicion, or accusation, in such manner and form as is afore rehearsed. And in case any ecclesiastical or religious person, being presented, suspected, or accused of any offence done or attempted, contrary to this statute, be thereof convicted by confession, or witness before any archbishop, bishop, or archdeacon, or before any the commissaries, vicars general, or other their ministers in their seans or visitations, or

and commit  
the offenders  
to gaol, or  
make them  
give bail to  
appear in the  
star chamber

The offender  
being absent  
from seane  
or visitation  
shall be cer-  
tified into the  
star chamber

Any ecclesi-  
astical per-  
son being  
convicted,

before the king's council in the star chamber at *Westminster*: that then every such spiritual and religious person, so being convict, shall suffer such pains, penalties and forfeitures, as be expressed in the said statute made in the said sixteenth year of king *Richard* the second, It is also enacted by the authority aforesaid, that if any ecclesiastical judge or visitor, do voluntarily conceal, cloak, hide or colour any presentment, accusation, or confession that shall be made to him concerning this statute, and do not certify every such accusation, presentment, or confession before the king and his council in the star chamber at *Westminster*, in such manner and form as is above specified in this statute: that then every such ecclesiastical judge and visitor, so wilfully offending for every such default, shall forfeit forty pound, the one half thereof to the king's highness, and the other half to such person as will sue for the same by original writ, bill, paint or information in any of the king's courts, in which suit no essoin, protection, or wager of law shall be admitted nor allowed.

shall suffer as in case of provision and premunire,

and every ecclesiastical judge concealing a presentment shall forfeit £40.

V. And for stronger defence and maintenance of this act: it is ordained and enacted by authority aforesaid, that all and every ecclesiastical judge, ordinary, chancellor, commissary, official, vicar general, and other ecclesiastical officer or minister, of what dignity, pre-eminence, or degree soever they shall be: and all and every temporal judge, justicier, mayor, bailiff, sheriff, under-sheriff, escheator, alderman, jurat, constable, headborough, thirdborough, borsholder, and every other lay officer and minister, to be made, created, elected, or admitted within this realm, or any other the king's dominions, of what estate, order, degree, or condition soever he shall be, from and after the said last day of *July*, shall before he take upon him the execution of such office, make, take, and receive a corporal oath upon the evangelists, before such person or persons as have, or shall have authority to admit him: that he from henceforth shall utterly renounce, refuse, relinquish or forsake the bishop of *Rome* and his authority, power, and jurisdiction: and that he shall never consent nor agree that the bishop of *Rome* shall practise, exercise, or have any manner of authority, jurisdiction, or power within this realm, or any other the king's dominions, but that he shall resist the same at all times, to the uttermost of his power. And that from henceforth he shall accept, repute, and take the king's majesty to be the only supreme head in earth of the church of *England*. And that to his cunning, wit, and uttermost of his power, without guile, fraud, or other undue means, he shall observe, keep, maintain and defend the whole effects and contents of all and singular acts and statutes made and to be made within this realm, in derogation, extirpation and extinguishment of the bishop of *Rome* and his authority. And all other acts and statutes made and to be made in reformation and corroboration of the king's power of supreme head in earth of the church of *England*: and this he shall do against all manner of persons, of what estate, dignity, degree, or condition they be, and in no wise do nor attempt, nor to his power suffer to be done or attempted, directly or indirectly, any thing or things privily or apertly, to the let, hindrance, damage, or derogation thereof, or of any part thereof, by any manner of means, or for any manner of pretence. And in case any oath be made or hath

Every judge and other minister and officer, ecclesiastical and temporal, before admission, shall take an oath,

that he renounces the authority of the pope, and accepts the king, as supreme head,

and will maintain all statutes, against the papal, and for the royal supremacy.



and that he  
reputes all  
oaths to the  
pope, to be  
null.

The oath  
shall be taken  
by persons  
suing livery,  
doing fealty,  
or having  
office,

and by persons  
admitted in religious  
orders,  
or degrees.

and the refusal  
of the  
oath when  
tendered,  
shall be high  
treason.

Proviso, for  
the use of the  
ceremonies  
and ordinances  
of the church.

and that this  
act shall  
extend to  
Jersey,  
Guernsey,  
and Alder-  
ney, in such  
manner only  
as the king  
shall see  
convenient.

been made by him to any person or persons, in maintenance, defence or favour of the bishop of *Rome* or his authority, jurisdiction, or power, he repute the same as vain and annihilate: so help him God, all saints, and the holy evangelists.

VI. And it is also enacted by the authority aforesaid, that all and every person and persons, spiritual and temporal, suing livery, restitutions, or *ouster le main*, out of the king, his heirs, or successors' hands, or doing any fealty to his highness, his heirs or successors, or which shall be sworn to the king, his heirs, or successors, or that shall have any office, fee, or room of the most gracious gift of the king's majesty, his heirs or successors, or shall be retained in service with his grace, his heirs, or successors, shall make, take, and receive the said oath. And that also all and every religious person, at the time of his or their profession or entry into religion, and every other ecclesiastical person, at the time of his taking of orders, and all and every other person, which shall be promoted or preferred to any degree of learning in any university within this realm, or other the king's dominions, at the time of his promotion or preferment, and every of them, shall make, take, and receive the said oath, before his or their sovereign, ordinary, or the commissary of such university.

VII. And it is also enacted by the authority aforesaid, that if any person or persons, limited or commanded by authority of this act, to make the said oath, or commanded by any other person or persons, authorized by the king's highness' commission, under his great seal, or his seal ordained for causes ecclesiastical, to make the said oath, obstinately refuse that to do: that then every such offence and contempt shall be high treason, and the offenders thereof being lawfully convicted, shall suffer pains of death, and other forfeitures, penalties, and losses, as is limited and accustomed in cases of high treason, by any laws or statutes of this realm heretofore made.

VIII. Provided always, and be it enacted: that this act, nor any thing or things in the same rehearsed, mentioned or comprised, be in anywise prejudicial, hurtful, or derogatory to the ceremonies, uses, and other laudable and politic ordinances, for a tranquillity, discipline, concord, devotion, unity, and decent order heretofore in the church of *England* used, instituted, taken and accepted, nor to any person or persons accordingly using the same or any of them.

IX. Provided alway, and be it enacted by authority of this present parliament that this act, concerning the bishop of *Rome*, or any thing to be done by his usurped authority, shall no further bind nor extend to and upon the king's subjects of his *Isles of Jersey, Guernsey, and Alderney*, in any other manner, form, or condition, than it shall please the king's highness, with the advice of his most honourable council, upon consideration, and examination of the estate and disposition of his said isles, and the commonwealth of the same, hereafter to establish, ordain, and declare unto them by his gracious letters patents under his great seal: and that the said letters patents, and every thing therein to be contained, shall be of the same effect, strength, and virtue, as if they had been passed and enacted by authority of parliament, any thing in the said act contained to the contrary in anywise notwithstanding.

35 HENRY 8, CAP. 1, SECS. 9—14.—In an act, intituled, *an act for the establishment of the king's succession.*

IX. And for further corroboration of this present act, and of the said act made in the said eight and twentieth year of our said sovereign lord, and also utterly to exclude the long usurped power, authority and jurisdiction of the bishops of *Rome*: where in the said act made for the establishment of the king's succession, at the said parliament holden at *Westminster* the eighth day of *July*, in the eight and twentieth year of the king's majesty's reign, there is one oath limited in the said act, as in the said act amongst other things appeareth.

Two oaths have been formerly appointed to be taken,

X. And where also at the said parliament there was another statute made and ordained against such as would both extol and stand to the jurisdiction, power and authority of the see and bishop of *Rome*, in which statute there is comprised another oath, in such wise as in the same statute amongst other things is mentioned. Forasmuch as in both the said oaths, mentioned in the said several acts, there lacketh full and sufficient words, whereby some doubts might rise: therefore be it enacted by authority of this present parliament, that from after the last day of this session, all and every such person and persons, which be ordered and limited by the said several acts, to take the said oaths mentioned in the same acts, shall from thenceforth, in lieu and place of those two oaths, take and swear this corporal oath, according to the tenor ensuing. And that they which have already sworn the other aforesaid oaths, or any of them, shall take and esteem it of the same effect and force, as though they had sworn this. Which former oaths notwithstanding, because they be not so pithy to all effects, nor so plainly set forth as were convenient: therefore be it enacted by authority of this present parliament, that after this present session, the said oaths specified in the said several acts, shall not thereafter be ministered, nor any person hereafter be compelled to accept the same, and this oath hereafter mentioned in this act, to stand in force and place of the said two oaths.

which being found imperfect, a new one is appointed,

to stand in force and place of the two former oaths;

XI. **I** *A. B.* having now the veil of darkness of the usurped power, authority and jurisdiction of the see and bishops of *Rome* clearly taken away from mine eyes, do utterly testify and declare in my conscience, that neither the see nor the bishop of *Rome*, nor any foreign potentate, hath, nor ought to have any jurisdiction, power or authority within this realm, neither by God's law, nor by any other just law or means. And though by sufferance and abuse in times passed, they aforesaid have usurped and vindicated a feigned and an unlawful power and jurisdiction within this realm, which hath been supported till few years past, therefore because it might be deemed and thought thereby, that I took or take it for just and good, I therefore now do freely and clearly renounce, refuse, relinquish and forsake that pretended authority, power and jurisdiction, both of the see and bishop of *Rome*, and of all other foreign powers: And that I shall never consent nor agree that the aforesaid see or bishop of *Rome*, or any of their successors shall practise, exercise, or have any manner of authority, jurisdiction or power within this realm, or any other the king's realms or dominions, nor any foreign potentate, of

That neither pope, nor any foreign potentate, hath power within this realm,

but that he renounces the authority of the pope, &c. and will oppose and resist it,

and bear faith  
and true al-  
legiance to  
the king and  
his heirs,

and repute  
them the  
only supreme  
head of the  
church of  
England,  
and will  
maintain all  
statutes  
made or to  
be made  
thereupon,

attempting  
or suffering  
nothing in  
derogation  
thereof,

and reputing  
all oaths  
made to the  
pope to be  
null.

The oath  
shall be taken  
by persons  
suing livery,  
doing fealty,  
or having  
office,

and by per-  
sons admit-  
ted to orders  
and degrees,

what estate, degree or condition soever he be, but that I shall resist the same at all times to the uttermost of my power: And that I shall bear faith, truth and true allegiance to the king's majesty, and to his heirs and successors, declared, or hereafter to be declared by the authority of the act made in the session of the parliament holden at *Westminster* the fourteenth day of *January*, in the five and thirtieth year, and in the said act made in the eight and twentieth year of the king's majesty's reign: and that I shall accept, repute and take the king's majesty, his heirs and successors (when they or any of them shall enjoy his place) to be the only supreme head in earth, under God, of the church of *England* and *Ireland*, and of all other his highness' dominions: and that with my body, cunning, wit, and uttermost of my power, without guile, fraud, or other undue mean, I shall observe, keep, maintain and defend all the king's majesty's styles, titles and rights, with the whole effects and contents of the acts provided for the same, and all other acts and statutes made, or to be made within this realm, in and for that purpose, and the derogation, extirpation and extinguishment of the usurped and pretended authority, power and jurisdiction of the see and bishop of *Rome*, and all other foreign potentates, as afore: and also as well the said statute made in the said eight and twentieth year, as the statute made in the said session of the parliament, holden the five and thirtieth year of the king's majesty's reign, for establishment and declaration of his highness' succession, and all acts and statutes made, and to be made in confirmation and corroboration of the king's majesty's power and supremacy in earth of the church of *England*, and of *Ireland*, and of other the king's dominions, I shall also defend and maintain with my body and goods, and with all my wit and power, and this I shall do against all manner of persons, of what estate, dignity, degree or condition they be, and in no wise do, nor attempt, nor to my power suffer, or know to be done or attempted, directly or indirectly, any thing or things privily or apertly, to the let, hindrance, damage or derogation of any of the said statutes, or of any part of them, by any manner of means, or for or by any manner of pretence. And in case any oath hath been made by me to any person or persons in maintenance, defence or favour of the see and bishop of *Rome*, or his authority, jurisdiction or power, or against any the statutes aforesaid, I repute the same as vain and annihilate, and shall wholly and truly observe and keep this oath; *So help me God, all saints, and the holy evangelists.*

XII. And it is also enacted by authority aforesaid, that all and every person and persons, spiritual and temporal, suing livery, restitution, or *ouster le main*, out of the king's, his heirs or successors' hands, or doing any fealty to his highness, his heirs or successors, or which shall be sworn to the king, his heirs or successors, or that shall have any office, fee or room of the most gracious gift of the king's majesty, his heirs or successors, or shall be received in service with his grace, his heirs or successors, shall make, take, or receive the said oath.

XIII. And that also all and every other ecclesiastical person, at the time of his taking of orders, and all and every other person which shall be promoted or preferred to any degree of learning in any

university within this his realm, or other of the king's dominions, and by all others at the king's pleasure. shall make, take and receive the said oath by this act set forth and declared, as is aforesaid, before his or their ordinary, or the commissary of such university. And that all and singular other the king's majesty's subjects and residents within this his grace's realm, and other his majesty's dominions, at his highness' will and pleasure shall accept and take the same oath before such commissioner or commissioners as his highness shall appoint for the same.

XIV. And it is also enacted by the authority aforesaid, that if any person or persons limited or commanded by the authority of this act to make and take the said oath, or commanded by any other person or persons authorized by the king's highness' commission under his great seal to make the said oath, obstinately refuse that to do: that then every such offence and contempt shall be high treason, and the offenders thereof being lawfully convicted, shall suffer pains of death, and other forfeitures, penalties and losses, as is limited and accustomed in cases of high treason, by any laws or statutes of this realm heretofore had or made in anywise concerning the same.

35 HENRY 8, CAP. 3.—*An act for the ratification of the king's majesty's style.*—Where our most dread natural and gracious sovereign liege lord the king hath heretofore been, and is justly, lawfully and notoriously known, named, published and declared to be, king of *England, France and Ireland*, defender of the faith, and of the church of *England*, and also of *Ireland*, in earth supreme head; and hath justly and lawfully used the title and name thereof, as to his grace appertaineth: be it enacted by the king our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all and singular his grace's subjects and residents, of or within this his realm of *England, Ireland*, and elsewhere within other his majesty's dominions, shall from henceforth accept and take the same his majesty's style, as it is declared and set forth in manner and form following, that is to say, in the *Latin* tongue by these words, *Henricus octavus Dei gratia, Anglia, Francia et Hibernia rex, fidei defensor, et in terra ecclesie Anglicanae et Hibernicae supremum caput*; and in the *English* tongue by these words, *Henry the eighth, by the grace of God king of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head*: and that the said style, declared and set forth by this act, in manner and form as is above mentioned, shall be from henceforth, by the authority aforesaid, united and annexed for ever to the imperial crown of his highness' realm of *England*.

It shall be high treason to attempt to deprive the king of this style.

1 M. sess. 1, c. 1, s. 5.

35 HENRY 8, CAP. 18.—In an act, intituled *an act concerning the king's general pardon.*—And also excepted all treasons committed or done by any person or persons, by colour of any pretence to the intent to deprive the king's majesty of his title of supreme head of the church of *England and Ireland*, or of any of them.

Treasons against the king, as supreme head, excepted out of pardon.

1 EDWARD 6, CAP. 12, SECS. 6 & 7.—*An act for the repeal of certain statutes concerning treasons and felonies.*

The penalty for affirming by words, that the king is not supreme head of the church or that any other is; or to compass to depose him, or to affirm that he ought not to be king. Repealed 1 & 2 P. & M. c. 8. for so much as concerns the supremacy.

The punishment for the second offence being once before convicted. 25 E. 3, stat. 5, c. 2.

The punishment for the third offence, being twice convicted.

VI. And be it enacted by the authority aforesaid, that if any person or persons, at any time after the first day of *March* next coming, by open preaching, express words or sayings, do affirm or set forth that the king, his heirs or successors, kings of this realm, for the time being, is not, or ought not to be supreme head in earth of the church of *England* and *Ireland* or any of them, immediately under God; or that the bishop of *Rome*, or any other person or persons, other than the king of *England* for the time being, is or ought to be by the laws of God, supreme head of the same churches or of any of them; or that the king, his heirs or successors, kings of this realm, is not, or ought not to be king of *England*, *France* and *Ireland* or any of them; or after the said first day of *March* do compass or imagine, by open preaching, express words or sayings, to depose or deprive the king his heirs or successors, kings of this realm, from his or their royal estate or titles to or of the realms aforesaid; or do openly publish or say by express words or sayings, that any other person or persons, other than the king, his heirs or successors, kings of this realm, of right ought to be kings of the realms aforesaid or of any of them, and to have and enjoy the same or any of them; that then every such offender, being thereof duly convicted or attainted by the laws of this realm, their aiders, comforters, abettors, procurers and counsellors, for his or their such first offence, shall lose and forfeit to the king all his and their goods and chattels, and also shall have and suffer imprisonment of his and their bodies, at the king's will and pleasure. And if any person, being once convicted or attainted of any of the said offences, shall after his conviction or attainder afterwards commit or perpetrate any of the offences beforementioned, other than such as be expressed in the said statute made in the said twenty-fifth year of king *Edward* the third, and shall be thereof duly convicted and attainted by the laws of this realm; that then every such offender, their aiders, comforters, abettors, procurers and counsellors, for his or their said second offence or offences, shall lose and forfeit to the king the whole issues and profits of all his and their lands, tenements and other hereditaments, benefices, prebends, and other spiritual promotions, for term of life of such offender or offenders; and shall also lose and forfeit to the king all his and their goods and chattels, and also suffer, during his and their lives, perpetual imprisonment of his and their bodies: and if any person being two times hereafter convicted or attainted of any of the same offences, shall after his said second conviction or attainder afterwards commit or perpetrate again any of the said offences, and be thereof duly convicted or attainted by the laws and statutes of this realm; that then every such third offence or offences shall be deemed and adjudged high treason, and the offender or offenders, their aiders, comforters, abettors, procurers and counsellors, being therein convicted or attainted, according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the king, as in cases of high treason.

VII. And be it further enacted by the authority aforesaid, that if any person or persons, at any time after the said first day of *March* next coming, by writing, printing, overt deed or act, do affirm or set forth that the king of this realm for the time being is not or ought not to be supreme head in earth of the church of *England* and *Ireland*, or of any of them, immediately under God: or shall by writing, printing, overt deed or act, after the said first day of *March* affirm or set forth, that the bishop of *Rome*, or any other person or persons, other than the king of *England* for the time being, is or ought to be by the laws of God or otherwise, the supreme head in earth of the same churches, or of any of them; or do after the said first day of *March* compass or imagine by writing, printing, overt deed or act, to depose or deprive the king, his heirs or successors, kings of this realm, from his or their royal estate or titles of the king of *England*, *France* or *Ireland*, or of any of them; or by any writing, printing, overt deed or act, do affirm that any other person or persons, other than the king, his heirs and successors, is or of right ought to be king of the realms of *England*, *France* or *Ireland*, or to have and enjoy the same or any of them; that then every such offence or offences shall be deemed and adjudged high treason, and the offender and offenders, their aiders, comforters, abettors, procurers and counsellors, therein convicted or attainted according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the king, as in cases of high treason.

It shall be high treason to affirm by writing, printing or deed, that the king is not supreme head of the church, or that any other is, or, &c. Repealed 1 & 2 P. & M. c. 8.  
13 Eliz. c. 1.  
26 H. 8, c. 13.

1 MARY, SESS. 1, CAP. 1, SEC. 5.—In an act, intituled *an act repealing and taking away certain treasons, felonies, and cases of premunire*.

V. And be it further ordained and enacted by the authority aforesaid, that all offences made felony, or limited or appointed to be within the case of *premunire*, by any act or acts of parliament, statute or statutes, made sithence the first day of the first year of the reign of the late king of famous memory, king *Henry* the eighth, not being felony before, nor within the case of *premunire*, and also all and every branch, article, and clause mentioned, or in anywise declared in any of the same statutes, concerning the making of any offence or offences to be felony, or within the case of *premunire*, not being felony, nor within the case of *premunire* before, and all pains and forfeitures concerning the same, or any of them, shall from henceforth be repealed, and utterly void and of none effect.

All statutes in the reign of Henry 8, which make any offence felony, or within the statute of *premunire*, that was not so before, shall be void.

1 & 2 PHILIP & MARY, CAP. 8.—*An act repealing all articles and provisions made against the see apostolic of Rome, since the twentieth year of king Henry the eighth, and for the establishment of all spiritual and ecclesiastical possessions and hereditaments conveyed to the laity*.—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 126.

1 ELIZABETH, CAP. 1.—*An act to restore to the crown the ancient jurisdiction over the estate ecclesiastical and spiritual, and abolishing all foreign powers repugnant to the same*.—See Title—"APPEALS TO THE SEE OF ROME," vol. i. p. 144.

5 ELIZABETH, CAP. 1.—*An act for the assurance of the queen's royal power over all estates and subjects within her dominions*.—See Title—"ECCLESIASTICAL JURISDICTION OF THE CROWN," vol. iii. p. 43.

7 & 8 VICTORIA, CAP. 102.—*An act to repeal certain penal enactments made against her majesty's Roman catholic subjects.*—See Title—"UNIFORMITY OF SERVICE."

9 & 10 VICTORIA, CAP. 59.—*An act to relieve her majesty's subjects from certain penalties and disabilities in regard to religious opinions.*—See Title—"UNIFORMITY OF SERVICE."

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

## SURVEY.

4 EDWARD 1, STAT. 1, SEC. 12. EXTENTA MANERII.—*Expressing a survey of the buildings, lands, commons, parks, woods, tenants, &c.*

Patronages.  
Co. Lit. 374,  
b.

XII. It is also to be inquired of churches that belong to the lord's gift, how many there be, and what, and where, and how much every church is worth by the year, after the true estimation of the same.

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FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1846.

## TAX ON LAND.

4 WILLIAM & MARY, CAP. 1.—*An act for granting to their majesties an aid of four shillings in the pound for one year for carrying on a vigorous war against France.*—We your majesties' most dutiful and loyal subjects, the commons assembled in parliament, having seriously considered of the great occasions which engage your majesties to many extraordinary expenses for the necessary defence of your realms, and the prosecution of a vigorous war against *France*, have cheerfully and unanimously given and granted unto your majesties the rates and assessments hereafter mentioned. And we most humbly beseech your majesties, that it may be enacted,

II. And be it enacted by the king's and queen's most excellent majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that their majesties shall have and receive the rates and assessments hereafter mentioned, of and from every person spiritual and temporal, of what estate or degree soever he or they be; which said rates or assessments shall be taxed, assessed, levied, and paid into their majesties' receipt of exchequer according to the tenor of this act, and in manner and form following, (that is to say) that all and every person and persons, bodies politic and corporate, guilds, and fraternities within this kingdom of *England*, dominion of *Wales*, and town of *Berwick-upon-Tweed*, having any estate in ready monies, or in any debts whatsoever owing to them, within this realm or without, or having any estate in goods, wares, merchandizes, or other chattels or personal estate whatsoever, within this realm or without, belonging to or in trust for them (except and out of the premises deducted such sums of money as he or they do *bona fide* owe, and such debts owing to them as shall be adjudged desperate by the commissioners appointed by this act; and also the stock upon lands and such goods as are used for household stuff; and also other than and except the joint stocks or shares of such bodies corporate, companies or fraternities as shall be otherwise charged by name in any other act to be made during this present session of parliament) shall yield and pay unto their majesties four shillings in the pound, according to the true yearly value thereof, for one year; (that is to say) for every hundred pounds of such ready money and debts, and for every hundred pounds worth of such goods, wares, merchandizes, or other chattels, or other personal estate, the sum of four and twenty shillings; and so after that rate for every greater or lesser sum or quantity, to be assessed, levied and collected in manner hereafter mentioned.

III. And be it further enacted by the authority aforesaid, that all and every person and persons, commissioner or commissioners, having, using, or exercising any public office or employment of profit (such military officers, who are or shall be in muster by the muster master general of the army, or in pay in their majesties' army or

All persons, bodies politic, &c. having any estate in ready monies or debt, or having any estate in goods, wares, or other personal estate whatsoever, deducting monies, bona fide owing, and desperate debts; and except stock upon land and household stuff, and the joint stocks of companies which shall be otherwise charged by name in any act of this session, shall pay twenty-four shillings for every £100.

Persons having any office or employment of profit (except military officers in mus-



ter and pay  
in the army  
or navy) to  
pay four  
shillings in  
the pound  
for salaries  
or profits.

navy in respect of such offices only excepted) and all and every their agents, clerks, secondaries, substitutes, and other inferior ministers whatsoever, shall yield and pay unto their majesties the sum of four shillings for every twenty shillings, which he or they do receive in one year, by virtue of any salaries, gratuities, bounty money, reward, fees or profits to him or them accruing, for or by reason or occasion of their several offices or employments, to be assessed, imposed, levied, and collected, in such manner as hereafter is mentioned.

All manors,  
lands, tene-  
ments, yearly  
profits and  
heredita-  
ments,

IV. And to the end a further aid and supply for their majesties' occasions may be raised, by a charge upon all lands, tenements, and hereditaments, with as much equality and indifferency as is possible, by a pound-rate of four shillings for every twenty shillings, of the true yearly value for one year only and no longer: be it further enacted by the authority aforesaid, that all and every manors, messuages, lands and tenements; as also all quarries, mines of coal, tin or lead, copper, mundick iron, or other mines, iron works, salt springs, and salt works; all allum mines or works; all parks, chases, warrens, woods, underwoods, coppices, and all fishings, tithes, tolls, annuities, and all other yearly profits: and all hereditaments of what nature or kind soever they be, situate, lying, and being, happening or arising, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick-upon-Tweed*, or within any the counties, cities, boroughs, towns, divisions, ridings, hundreds, lathes, wapentakes, parishes and places thereof, as well within

charged with  
four shillings  
in the pound  
of the true  
yearly value.

ancient demesne, and other liberties and privileged places, as without, shall be, and are hereby charged for one year only, and no longer, with the sum of four shillings for every twenty shillings, of the full yearly value, and so in proportion for any greater or lesser value; and all and every person and persons, bodies politic and corporate, guilds, mysteries, fraternities, and brotherhoods, whether

All persons,  
bodies politi-  
c, &c. to  
pay four shil-  
lings in the  
pound,

corporate or not corporate, having or holding any manors, messuages, lands, tenements, hereditaments or other the premises, shall yield and pay unto their majesties the sum of four shillings for every twenty shillings by the year, which the said manors, messuages, lands, tenements, hereditaments, and other the premises are now

of what now  
worth to be  
leased bona  
fide at a rack-  
rent, &c.

worth to be leased, if the same were truly and *bona fide* leased or demised at a rack-rent, and according to the full true yearly value thereof, without any respect had to the present rents reserved for the same, if such rents have been reserved upon such leases or estates made, for which any fine or income hath been paid or secured, or have been lessened or abated upon consideration of money laid out or to be laid out in improvements, and without any respect had to any former rates or taxes thereupon imposed, or making any abatement in respect to reparations, taxes, parish duties or any other charges whatsoever, which said sum of four and twenty shillings for the yearly profit of every hundred pounds value of all personal estates, as aforesaid, and four shillings for every twenty shillings by the year of the said true yearly value of all other the premises shall be assessed, levied and collected in manner hereafter mentioned, and shall be paid into the receipt of their majesties' exchequer by four quarterly payments; the first

without re-  
spect to re-  
pairs, taxes,  
parish duties  
or other  
charges.

To be paid  
at four quar-  
terly pay-  
ments. The

payment thereof to be made upon the five and twentieth day of *first payment*  
*March* which shall be in the year of our Lord one thousand six *the 15th of*  
 hundred ninety-three. *March 1693.*

V. And whereas many of the manors, messuages, lands, tenements, tithes, hereditaments and premises intended by this act to be charged with the pound-rate, as aforesaid, stand incumbered with or are subject and liable to the payment of several rent-charges or annuities issuing out of the same, or to the payment of divers fee-farm rents, rents-service or other rents thereupon reserved or charged, by reason whereof the true owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises do not in truth receive to their own use the true yearly value of the same, for which nevertheless they are by this act charged to pay the full pound-rate of four shillings for every twenty shillings of the true yearly value :

*Where lands, &c. are subject to rents, charges, annuities, or other rents,*

VI. It is therefore declared and enacted by the authority aforesaid, that it shall and may be lawful to and for the landlords, owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises as are charged with the pound-rate, as aforesaid, to abate and deduct and to retain and keep in his or their hands four shillings in the pound for every fee-farm rent or other annual rent or payment charged upon or issuing out of the premises, or any part thereof or thereupon reserved ; and all and every person and persons, who are or shall be any way entitled to such rents and annual payments, are hereby required to allow such deductions and payments upon the receipt of the residue of such monies as shall be due and payable to them for such rents or annual payments reserved or charged as aforesaid.

*the landlords and owners deduct four shillings in the pound for such rents,*

*which shall be allowed by the persons entitled to such rents upon payment of the residue.*

VII. And be it further enacted by the authority aforesaid, that for the better assessing, ordering, levying and collecting of the several sums of money so as aforesaid limited and appointed to be paid, and for the more effectual putting of this present act in execution, all and every the persons hereafter named shall be commissioners of and for the several and respective counties, cities, boroughs, towns and places hereafter mentioned.

*[Here follow the names of the commissioners.]*

VIII. Which said commissioners so, as aforesaid, nominated and appointed, shall in the respective counties, cities, boroughs, divisions, towns and places for which they are appointed commissioners respectively, meet together at the most usual and common place of meeting within each of the said counties, cities, boroughs, towns, divisions and places respectively, upon the fifteenth day of *February*, which shall be in the year of our Lord one thousand six hundred ninety and two, and the said commissioners, or so many of them as shall be present at the last general meeting, or the major part of them, may by their consents and agreements divide, as well themselves, as other the commissioners not then present, for the execution of this act, into hundreds, lathes, wapentakes, rapes, wards, towns, and other places within their limits, privileged or not privileged in such manner and form as to them shall seem expedient (nevertheless not thereby to restrain the said commissioners from acting as commissioners in any other part of the county or place for which they

*Commissioners to meet upon the 15th of February,*

*and then to divide themselves for the execution of the act;*

*such division not to restrain commissioners*

from acting in any other part of the county.

Direct precepts to such inhabitants, &c. as they shall think convenient, requiring them to appear at a place and time not exceeding ten days.

Then to read the rates, and charge them with the execution of the act.

Persons to whom precepts directed, absenting without excuse, to forfeit a sum not exceeding £5, nor less than forty shillings.

At or after such general meeting, commissioners to direct warrants to two of the most sufficient inhabitants of each parish, &c. requiring them to be assessors, and to prefix the assessors a day and place to bring in certificates in writing of the names of persons in the limits, and of their substances in ready money, debts, goods, chattels, or other personal estate, or in offices or employments of profit.

The assessors to inform themselves by all lawful ways of the full yearly value of all manors and hereditaments.

And then to

are nominated) and shall direct their several or joint precept or precepts to such inhabitants, high constables, petty constables, bailiffs and other like officers, and ministers, and such number of them as they in their discretion shall think most convenient, requiring them to appear before the said commissioners at such place and time (not exceeding ten days) as they shall appoint. And at such their appearances, the said commissioners shall openly read or cause to be read unto them the rates and assessments in this act mentioned, and also openly declare the effect of their charge to them, and how and in what manner they ought and should make their certificates, and how they ought to proceed in the execution of this act, according to the rates aforesaid. And if any high constables, petty constables, bailiffs, inhabitants, or other officers or ministers, to whom any precept shall be directed, shall absent themselves without lawful excuse to be made out by the oaths of two credible witnesses (which oaths the commissioners or any two of them are hereby empowered to administer) or if any person appearing shall refuse to serve, then every such person so making default, or refusing to serve, shall for every time of such default or refusal, forfeit and lose unto their majesties such sums as the commissioners, or so many as shall be present, or the major part of them being present, shall think fit, not exceeding the sum of five pounds, nor less than forty shillings. And at and after such general meeting had, and charge given, as aforesaid, the said commissioners shall take care that warrants be issued forth and be directed to two at the least of the most able and sufficient inhabitants of each parish, township or place within the respective divisions, thereby appointing and requiring them to be assessors of all and every the rates and duties by this act imposed, and shall therein also appoint and prefix a certain day and place for the said assessors to appear before them, and to bring in their certificates in writing of the names and surnames of every person dwelling and residing within the limits of those places with which they shall be charged, and of the substance and values of every of them in ready money, debts, goods, chattels or other personal estate whatsoever (except before excepted) or in public offices or employments of profit. And the said assessors are therein also to be required, and are hereby enjoined to ascertain and inform themselves, by all lawful ways and means they can, of the true and full yearly value of all manors, messuages, lands, and tenements, as also of all quarries, mines of coal, tin or lead, copper, mundick or other mines, iron works, salt springs and salt works, allum mines and works, parks, chases, warrens, woods, underwoods and coppices, and all fishings, tithes, tolls, annuities and other yearly profits, and of all hereditaments of what nature or kind soever situate, lying and being, happening or arising within the limits of those places with which they shall be charged: and being so thereof ascertained, they are to assess all and every the said manors, messuages, lands, tenements and premises before appointed to be charged after the rate of four shillings for every twenty shillings of the full yearly value, as the same are let for, or worth to be let, at the time of assessing thereof, as aforesaid, and to bring with them, at the time and place so as aforesaid prefixed for their appearance, a certificate in writing

of the said assessment, and shall then also return the names of two or more able and sufficient persons living within the limits and bounds of those parishes, townships, constablewicks or places where they shall be chargeable respectively, to be collectors of the monies, to be paid to their majesties by this act; for whose paying in to the head collector in manner hereafter mentioned, such monies as they shall be charged withal, the parish or place wherein they are so employed shall be answerable. And if any assessor so, as aforesaid, appointed or to be appointed shall neglect or refuse to serve, or shall make default at the time appointed for his appearance (not having a lawful excuse to be witnessed by the oaths of two credible witnesses, which the said commissioners or any two of them have power to administer) or shall not perform his duty, every such assessor shall for every such neglect, refusal or default, forfeit and lose unto their majesties such sum as the commissioners, or so many of them as shall be present, or the major part of them shall think fit, not exceeding the sum of twenty pounds, nor under the sum of ten pounds, to be levied by distress and sale of the offender's goods and chattels, in like manner, as by this act is appointed for levying the several rates and assessments herein mentioned, in case of neglect or refusal of payment, and to be charged upon the respective receivers general, together with the said rates and assessments. And every assessor so as aforesaid appointed, or to be appointed, shall before he take upon him the execution of the said employment take the oaths mentioned and required to be taken, by an act made in the parliament held in the first year of their majesties' reign, intituled *an act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, (which oaths any two commissioners in the county where the said assessment is to be made, have hereby power, and are hereby required to administer.)

IX. And be it further enacted by the authority aforesaid, that the rates and assessments upon all ready monies, debts, goods, chattels, personal estates, and public offices and employments of profit, charged by this act shall be ascertained, and the certificates thereof returned to the commissioners upon or before the eight and twentieth day of *February* one thousand six hundred ninety-two, unless the commissioners shall think fit to give further time: and also the taxations and assessments of the pound-rate of four shillings in the pound of the yearly value of all manors, messuages, lands, tenements, hereditaments and premises charged by this act, shall be made and ascertained, and the several and respective certificates thereof returned in to the commissioners, upon or before the eight and twentieth day of *February* aforesaid, unless the commissioners shall think fit to give further time. And upon return of any such certificate, the commissioners, or any three or more of them, shall and may (if they see cause) examine the presenters thereof. And if the said commissioners, or any three or more of them, within their several limits, at the time of the return of the certificates, as aforesaid, or within twenty days after, shall know, or have good cause to suspect, that any person or persons, or any the manors, messuages, lands, or other the premises, which ought to be mentioned and charged in the

assess after the rate four shillings per pound, of the full yearly value, and to bring at the time prefixed a certificate of the assessment, and to return two or more able persons to be collectors; for whose payment to the head collectors the parish or place to be answerable. Assessors neglecting or refusing to serve, or making default, forfeit a sum not exceeding £20, nor less than £10, to be levied by distress and sale of goods, and to be charged upon the receiver general, together with the rates and assessments. Every assessor before he acts to take the oaths.

Certificates of the assessments to be returned to the courts before the 28th of February, unless commissioners give further time.

On return of certificates, the commissioners or any three may examine the presenters. If the commissioners shall suspect that any persons or lands which

ought to be charged are omitted, or any person of a greater estate or lands of a greater yearly value than mentioned in the certificates, commissioners or any three or more have power to summon such persons and owners of lands to appear at a day and place prefixed to be examined touching the said matters. Persons summoned not appearing (nor having a reasonable excuse) to pay double the sum he ought to be rated.

Commissioners or the major part present have power to examine into the estate of such person, and the value of the premises, and to set such rates according to the intent of the act.

Assessors to give one copy of their assessments to the commissioners.

Commissioners to cause the same to be fairly written, and sign and seal duplicates.

One to be delivered to the subcollectors.

Others to the head collectors and receivers general.

Commissioners to cause an extract of the whole sums charged, &c. to be

said certificates, is or are omitted; or that any person or persons in the said certificates mentioned, is or are of a greater estate; or that any of the said manors, or other premises, are of a greater yearly value than in the said certificate is mentioned, the said commissioners, or any three or more of them shall have power to summon such person or persons, and the owners or possessors of such manors or other premises to appear before them at a day and place prefixed, to be examined touching the matters aforesaid. And if the person (or persons summoned, to be so examined, shall neglect to appear not having a reasonable excuse for such his default) every person so making default, shall pay to their majesties double the sum he should or ought to have been set at or rated. And moreover the commissioners, or the major part of so many of them as shall be present, shall have power by all lawful ways and means to examine into the estate of such person, and the value of such premises chargeable by this act, and to set such rate or rates upon the same, as shall be according to the true intent of this act. And the said assessors are hereby required to give one copy of their certificates or assessments fairly written and subscribed by them unto the said commissioners by whom they were appointed. And the said commissioners, or any two or more of them are hereby ordered and required to cause the said several and respective assessments to them delivered (when by them approved of or altered, according to the true intent of this act) to be fairly written, and to sign and seal several duplicates or copies of the said assessment; and one of them so signed and sealed forthwith to deliver, or cause to be delivered unto the subcollectors, and shall likewise deliver or cause to be delivered other copies thereof so signed and sealed unto the head collectors and receivers general, according to their several and respective collections and receipts. And moreover, the commissioners shall cause a true copy or extract of the whole sums assessed and charged within every hundred, lathe, wapentake, parish, ward, or place, rated or assessed in pursuance of this act, and of the whole sums rated or assessed upon personal estates, offices, or employments, to be certified and transmitted into their majesties' court of exchequer, under the hands and seals of any two or more of the commissioners, but without naming the persons in such their certificates. And this the said commissioners shall cause to be done upon or before the twentieth day of *March* then next ensuing, or within thirty days after (all appeals to them made being first determined); and the king's remembrancer in the exchequer, for the time being, shall, and is hereby required within three months after the duplicates of the last payment shall be transmitted to him to transcribe all the schedules and duplicates of the sums returned to him from and for every respective county, riding, city and town, and every hundred, wapentake, parish, division, town and place therein, in a book of parchment in alphabetical order, and in a fair legible handwriting; and within three months after the same shall be so by him received, to transmit all and every the same schedules and duplicates to the office of writer of the tallies, commonly called the auditor of the receipt of the exchequer, who is hereby likewise authorized and required to enter the same in the like alphabetical

order in another book of parchment fairly written, to be provided for that purpose.

the twentieth day of March or within thirty days after. King's remembrancer months to transcribe the duplicates, &c. and within three months after to transmit the same to the officers of the receipt.

certified into the exchequer before within three months to the same to the

X. And be it further enacted by the authority aforesaid, that the commissioners, or any two or more of them shall issue out their warrants or estreats to the subcollectors, under their hands and seals, thereby requiring them to levy and collect one fourth part of the rates and assessments in respect of their personal estates, offices and employments, and also one fourth part of the pound-rate charged upon all manors, messuages, lands, tenements and hereditaments, and premises as aforesaid. And the said subcollectors are hereby required and enjoined to levy and collect the same, according to the duplicates thereof by them received, and according to the intent and directions of this act; and to make demand of the said rates and assessments upon personal estates, offices and employments, of the parties themselves if they can be found, or otherwise at the place of their last abode; and to pay the same unto their respective head collectors, on or before the tenth day of *March* one thousand six hundred and ninety-two, or within twenty days after. And the said head collectors are to hasten the said subcollectors, and in case the same shall not be collected by reason of neglect or failure of duty of the said subcollectors, the said head collectors are to levy by warrant under the hands and seals of any two or more of the said commissioners, by distress upon the subcollectors respectively, such sum and sums of money, as by him and them ought to have been paid, and is or are not paid, by reason of his failure in doing his duty, according to the directions of this act. And every head collector is hereby required to make payment, of what shall be so levied or received, unto the receiver general of the said county, city or place, upon or before the twentieth day of *March* aforesaid, or within twenty days after. And the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall receive from the said head collectors unto their majesties' receipt of exchequer, upon or before the five and twentieth day of *March* aforesaid, or within twenty days after, to the end that the first payment of the said rates and assessments may by that time be fully answered and paid in to their majesties. And the subcollectors shall also levy the second quarterly payment of the said rates and assessments, charged as aforesaid, upon or before the second day of *June* then next ensuing, or within twenty days after, and shall also pay the same in to the head collectors upon or before the ninth day of *June* aforesaid, or within twenty days after. And the said head collectors shall make payment thereof to the receiver general of the said county, city, or place, upon or before the sixteenth day of *June* aforesaid, or within twenty days after. And the said receiver general is also required to make payment of all which he shall so receive into their majesties' receipt of exchequer, upon or before the four and twentieth day of *June* aforesaid, or within twenty days after; to the end that the second payment of the said rates and assessments so charged, as aforesaid, may by that time be fully

Commissioners to issue warrants to the subcollectors for levying, &c.

Subcollectors to levy and collect according to their duplicates, and make demand of the rates on personal estates and offices of the parties themselves, if they can be found, to be paid to the collectors before the 10th of March. Head collectors to hasten the subcollectors. In case of neglect of the subcollectors the sums to be levied by distress and sale of goods. Head collectors to pay into receiver general before the 30th of March. Receiver to pay into the receipt of the exchequer before the 25th of March. Times for the second quarterly payment.

Times for  
the third  
quarterly  
payment.

answered and paid in to their majesties. And the said subcollectors are also required and enjoined to levy one other quarterly payment of the said rates and assessments charged, as aforesaid, upon or before the fourth day of *September* then next ensuing, and shall also pay the same unto the said respective head collectors on or before the twelfth day of *September* aforesaid, or within twenty days after. And the said head collectors are to hasten the said subcollectors; and in case the same shall not be collected by reason of neglect or failure of duty in the said subcollectors, the head collectors are to proceed against them by distress in like manner, and by like warrant, as aforesaid. And every head collector is hereby required to make payment of what shall be so levied or received unto the receiver general of the said county, city, or place, upon or before the twentieth day of *September* aforesaid, or within twenty days after. And the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall receive from the said head collectors into their majesties' receipt of exchequer, upon or before the nine and twentieth day of *September* aforesaid, or within twenty days after, to the end that the third payment of the said rates and assessments may by that time be fully answered and paid into their majesties. And the subcollectors shall also levy one other quarterly payment of the said rates and assessments charged, as aforesaid, upon or before the second day of *December* then next ensuing, or within twenty days after, and shall also pay the same unto the said head collectors upon or before the ninth day of *December* aforesaid, or within twenty days after. And the said head collectors shall make payment thereof to the receiver general of the said county, city, or place, upon or before the sixteenth day of *December* aforesaid, or within twenty days after. And the said receiver general is also required to make payment of all which he shall so receive into their majesties' receipt of exchequer, upon or before the five and twentieth day of *December* aforesaid; or within twenty days after; to the end that the fourth and last quarterly payment of the said rates and assessments so charged, as aforesaid, may by that time be fully answered and paid in to their majesties. And all commissioners, collectors, and receivers are hereby required and enjoined to apply themselves with all diligence to the most speedy and effectual execution of their several and respective duties, and to use their utmost endeavours that all estates herein charged may equally pay the rates and assessments according to the direction of this act, that so their majesties' service herein may not be delayed or hindered through any of their wilful neglect or default.

Times for  
the last  
quarterly  
payment.

All persons  
concerned in  
the execu-  
tion of this  
act to use  
diligence.  
&c.

Head collec-  
tor's receipt  
a discharge  
to the sub-  
collector.

Subcollector  
to have  
three-pence  
in the pound  
for what he  
receives.

Head collec-  
tor to be

XI. And it is further enacted and declared by the authority aforesaid, that the monies received by the subcollectors, within their respective divisions or hundreds, shall from time to time be duly paid to the head collectors, whose receipt shall be a sufficient discharge unto every such subcollector, which subcollector for gathering the said particular sums shall retain in his hands for every twenty shillings by him so paid three-pence, as a reward for his pains and service. And the head collectors shall accordingly pay over the said monies unto the receiver general of each county, city, or place respectively in manner aforesaid; (which head collector or collectors

shall be nominated and appointed by the receiver general of the respective counties), which said receiver general shall be answerable for all such sums of money as shall be by him or them collected or received. And that no subcollector shall be enforced to travel above the space of ten miles for the payment of the said monies that shall be by him collected or received; and the said receiver general's acquittance shall be a sufficient discharge unto every such head collector. And the receiver general shall pay the whole sum by him received into the receipt of their majesties' exchequer in such manner, at or before such days and times as are hereinbefore limited; and shall have an allowance of twopence in the pound for all monies, which shall be by him paid into the receipt of the exchequer upon or before the times prefixed by this act.

XII. And for the careful writing and transcribing the said warrants, certificates, estreats and duplicates in due time, it is further enacted, that the commissioners' clerks, who shall respectively perform the same, shall by warrant under two or more of the commissioners' hands, have and receive from the respective receivers general, one penny in the pound of all such monies as he or they shall have received by virtue of such warrants and estreats, who are hereby appointed and allowed to pay the same accordingly. And if any person shall neglect or refuse to pay the several rates and assessments wherewith he is charged by this act for or in respect of his personal estate, offices, or employments, and which he ought to pay; or if the pound-rate, or any payment thereof so, as aforesaid, charged upon any manors, messuages, lands, tenements, hereditaments and premises, shall be neglected or refused to be paid, then upon demand made by the officer or collector of the place, according to the precept or estreat to him delivered by the said commissioners, it shall and may be lawful to and for such officer or collector, and he and they is and are hereby required for non-payment thereof to distrain the person or persons so refusing or neglecting to pay, by his or their goods or chattels, or to distrain upon the messuages, lands, tenements and premises so charged, and the goods and chattels then and there found, and the distress so taken, to keep by the space of four days at the costs and charges of the owner thereof. And if the said owner do not pay the sum of money due by this act, within the said four days, then the said distress to be appraised by two or three of the inhabitants where the said distress is taken, and to be sold by the said officer or collector for the payment of the said money, and the overplus coming by the said sale, if any be over and above the charges, and of taking and keeping the distress, to be immediately restored to the owner thereof. And moreover it shall be lawful to break open in the day time any house, and upon warrant under the hands and seals of any two or more of the said commissioners, any chest, trunk, or box, or other things where such goods are, calling to their assistance the constables, tithingmen, or headboroughs, within the counties, towns, or places where any refusal, neglect or resistance shall be made; which said officers are hereby required to be aiding and assisting in the premises.

XIII. And be it further enacted by the authority aforesaid, that where any person or persons chargeable with any rates or assess-

appointed by receiver.

No subcollector to be forced to travel above ten miles.

Commissioners' clerks to have one penny per pound for writing the warrants.

In case of non-payment collectors to distrain,

and to keep the distress four days at the owner's charge, then to be appraised and sold, and the overplus restored.

Lawful to break open houses in the day time, and by warrant from two commissioners any chest, &c. calling to assistance the constables, &c. Parents and guardians to pay the rates



imposed on infants;

and upon neglect or refusal to be proceeded against as other defaulters. Sums paid to be allowed upon their accounts. Tenants to pay the rates and to deduct it out of their rent to the landlords.

ments by this act imposed shall be under the age of one and twenty years, in every such case the parents, guardians, or tutors of such infants respectively, upon default of payment by such infants, shall be and are hereby made liable to and chargeable with the payments which such infants ought to have made; and if such parents, guardians or tutors shall neglect or refuse to pay, as aforesaid, it shall and may be lawful to proceed against them in like manner as against any other person or persons making default of payment, as hereinbefore appointed. And all parents, guardians or tutors, making payment, as aforesaid, shall be allowed all and every the sums so paid for such infants upon his and their accounts. And the several and respective tenants of all and every the manors, messuages, lands, tenements, hereditaments and premises which by virtue of this act shall be chargeable with any pound-rates, as aforesaid, are hereby required and authorized to pay such sum or sums of money as shall be rated upon such manors, messuages, lands, tenements, hereditaments and premises, and to deduct out of their rents so much of the said rates, as in respect of the said rents payable for such manors, messuages, lands, tenements, hereditaments or premises the landlord should and ought to bear. And all landlords, both mediate and immediate (according to their respective interests) are hereby required to allow such deductions and payments, upon receipt of the residue of the rents: and every tenant paying the said assessments of the pound-rates, shall be and is hereby acquitted and discharged for so much money as the said assessment shall amount unto, as if the same had been actually paid unto such person or persons unto whom his rent should have been due and payable.

Persons to be rated for offices at the places where executed, and for personal estates where they shall be resident.

Persons not householders at the place where they shall be resident at the execution of the act.

Person out of the realm to be rated for personal estate at the place he was last resident within the realm.

Any person having goods &c. in any county (other than the county wherein he lives) to be rated in the county where the goods are. Persons to be rated for lands, &c. in the place where such lands lie.

XIV. And be it further enacted, that every person rated or assessed for his office or employment, shall be rated and pay for his said office and employment in the county, city or place where such office or employment is executed. And every person who is or shall be rated for or in respect of any personal estate to him any way belonging, shall be rated at such place where he or she shall be resident at the time of the execution of this act. And all persons not being householders, nor having a certain place of residence, shall be taxed at the place where they shall be resident at the time of the execution of this act. And if any person who ought to be taxed by virtue of this act, for or in respect of his personal estate, shall at the time of his assessment be out of the realm, such person shall be rated therefore in such county, city or place where he was last abiding within the realm.

XV. Provided, that where any person shall have any goods, wares, or merchandizes in any county or counties other than the county where he shall be resident, or had his last residence, it shall be lawful to rate or assess such person for such goods, wares and merchandizes in the county or counties where the same shall be; and every person who shall be rated or assessed for or in respect of any manors, messuages, lands, tenements or other the premises according to the pound-rate of four shillings as aforesaid, shall be rated and assessed in the place where such messuages, manors, lands, tenements, hereditaments and premises, respectively do lie, and not elsewhere.

XVI. Provided always, that if any person or persons by reason of his or their having several mansion houses, or places of residence, or otherwise shall be doubly charged by occasion of this act, for or in respect of his or their personal estate, then upon certificate made by two or more of the commissioners for the county, city or place of his or their last personal residence, under their hands and seals, of the sum or sums charged upon him or them, and in what capacity or respect he or they were so charged (which certificate the said commissioners are required to give without delay, fee, or reward) and upon oath made of such certificate before any one justice of the peace of the county or place where the said certificate shall be made (which oath the said justice of peace is hereby authorized and required to administer) then the person and persons so doubly charged, shall for so much as shall be so certified, be discharged in every other county, city or place. And if any person that ought to be taxed by virtue of this act, for or in respect of his personal estate, shall by changing his place of residence, or by any other fraud or covin, escape from the taxation, and not be taxed, and the same be proved before the commissioners, or any two of them, or before any two justices of the peace of the county where such person dwelleth or resideth at any time within one year next ensuing after such tax made, every person that shall so escape from the taxation and payment, shall be charged (upon proof thereof) at the double value of so much as he should or ought to have been taxed at by this act, the said double value upon certificate thereof made into the exchequer by the commissioners or justices (before whom such proof shall be made) to be levied of the goods, lands and tenements of such persons.

Any person in respect of several places of residence being doubly charged for his personal estate upon certificate and oath thereof, to be discharged for so much.

Any person who by changing his place of residence or other fraud, shall escape being taxed, upon proof thereof, to be doubly charged.

XVII. And for the better discovery of personal estates, be it further enacted by the authority aforesaid, that every householder shall upon the demand of the assessors of the respective parishes or places, give an account of the names and qualities of such persons as shall sojourn or lodge in their respective houses.

Every householder to give an account of his lodgers to the assessors.

XVIII. And be it further enacted by the authority aforesaid, that the commissioners that shall be within any county, city, or place within the respective limits, or the major part of them, shall rate, tax, and assess every other commissioner joined with them, for, and in respect of the ready money, debts, goods, chattels, and personal estate of such commissioners, and also for and in respect of the offices and employments of profit, which at the time of such taxation shall be held and enjoyed by such commissioners, so as the residence and usual dwelling place of such commissioners so to be taxed, be within the division of such commissioner by whom he is taxed, and so as the office or employment held and enjoyed by such commissioner so to be taxed, be likewise to be exercised within the division or limits of such commissioner by whom he is to be taxed. And the commissioners within their division, shall also assess every assessor within their division, for all and singular the premises for which by this act he ought to be rated and assessed, and as well all sums assessed upon every the said commissioners and assessors as the assessments made and set by the assessors aforesaid, shall be written, estreated, levied and gathered as the same should and ought to have been, if such commissioners had not been named commissioners.

Commissioners within their division to rate each other for their personal estates and offices.

Commissioners to assess the assessors

Every person having a share in the New River, Thames, Hyde-park, or Mary-le-bone waters, or profits arising thereby, or any interest in the king's printing house, to pay four shillings in the pound. Every person having share or interest in the said New River water, Thames, Hyde-park, or Mary-le-bone waters, and in the stock for printing, shall be assessed by the commissioners appointed

Act not to extend to inhabitants of Scotland, Ireland, Jersey or Guernsey for personal estates in those places. Any person assessed finding himself aggrieved may appeal. The major part of the commissioners who signed the rate shall within ten days after such appeal examine the person upon oath and abate or increase their assessment. Commissioners required to meet together for determining appeals.

Any assessor collector, receiver, wilfully neglecting or refusing to do his duty. Commissioners or any

XIX. And be it further enacted by the authority aforesaid, that all and every person and persons having any share or shares, or interests in any fresh stream of running water brought to the north parts of *London*, commonly called the *New River*, or in any *Thames* water works, or in the *Hyde-park*, or *Mary-le-bone* waters, or any rents or profits arising thereby, and all and every person and persons having any share or interest in the stock or stocks for printing of books in or belonging to the house commonly called the *King's printing house*, shall pay for the same the sum of four shillings for every twenty shillings of the full yearly value thereof. And all and every person and persons having any share or shares, or interest in the river water brought to the north part of *London*, or in any *Thames* water works, or the *Hyde-park*, or *Mary-le-bone* waters, or in any rents or profits arising thereby charged by this act, and also the said stock and shares for printing as aforesaid, shall be assessed for the same by the commissioners nominated and appointed for the city of *London*, or any three of them, after the rates herein contained: and the same shall be paid to such person or persons as the said commissioners shall appoint by the treasurers or receivers of the said river waters, and water works, and stocks for printing, and to be deducted at and out of their next dividend.

XX. Provided also, that this act shall not extend to the inhabitants of *Scotland*, *Ireland*, *Jersey* or *Guernsey*, for and concerning any such personal estate, which they or any to their use have within the said kingdoms and islands. And if any person or persons certified, assessed, or rated for or in respect of any real or personal estate, or for or in respect of any matter or thing for which by this act he or they is or may be rated or charged, do find him or themselves aggrieved with such assessing or rating, and do within ten days after demand thereof made, complain to the commissioners, the said commissioners, or any five or more of them, so as the major part of the commissioners, who signed or allowed his or their rates be present, shall and may within ten days next after such complaint particularly examine any person or persons upon his or their oath, touching the value of his or their real or personal estate, and other the matters aforesaid; and upon due examination or knowledge thereof abate, defalk, increase or enlarge the said assessment; and the same so abated, increased, or enlarged shall be levied, and shall be certified or estreated into the exchequer, in manner aforesaid. And to that end the said commissioners are hereby required to meet together for the determining of such complaints and appeals accordingly, and for this end to express in their warrants to the collectors the times and places for determining appeals, and appeals once heard and determined to be final without any further appeal upon any pretence whatsoever.

XXI. And it is further enacted by the authority aforesaid, that if any assessor, collector, receiver, or other person appointed by the commissioners, shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act; or if any assessor shall wittingly or knowingly under-rate or assess at an under value, any person or thing chargeable by this act, the said respective commis-

sioners, or any three or more of them may and shall by virtue of this act, impose on such person and persons so refusing, neglecting, or not performing their duties, any fine, not exceeding the sum of twenty pounds, nor under the sum of ten pounds for every offence; which said fine shall not be taken off, or discharged, but by the consent of the majority of the commissioners who imposed the same; the said fines to be levied and certified, as aforesaid, into their majesties' court of exchequer, and charged upon the respective receivers general amongst the rest of the rates aforesaid. And the said commissioners, or any two or more of them, may and shall from time to time call for and require an account from the respective receivers general, of all the monies received by him of the said head collectors, and of the payment thereof into their majesties' receipt of exchequer, according to the direction of this act. And in case of any failure in the premises the said commissioners, or any two or more of them are hereby required to cause the same to be forthwith levied and paid according to the true intent and meaning of this act.

three shall impose a fine not exceeding £20 nor under £10.

Any two of the commissioners may require an account from the receivers general.

XXII. And it is hereby enacted and declared, that in case any controversy arise concerning the said assessments, or the dividing, apportioning or payment thereof, which concerns any the commissioners by this act appointed, that the commissioners so concerned in the said controversy, shall have no voice, but shall withdraw at the time of the debate of any such controversy, until it be determined by the rest of the commissioners: and in default thereof, that the commissioners then present shall have power, and are hereby required to impose such fine or fines, as to them shall be thought fit, upon such commissioners so refusing to withdraw, not exceeding the sum of twenty pounds; and to cause the same to be levied and paid, as other fines to be imposed by virtue of this act are to be levied and paid. And all questions and differences that shall arise touching any of the said rates, taxes, assessments or levies shall be heard and finally determined by the commissioners, in such manner as by this act is directed, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble, or suit in the law. And the said receivers general shall give acquittances (*gratis*) to the said head collectors, for all monies of them received: and the said head collectors shall also give acquittances (*gratis*) to the subcollectors for all such monies as shall be paid them in pursuance of this act: and the said subcollectors shall make and deliver to the said head collectors a perfect schedule fairly written in parchment under their hands and seals, signed and allowed by any two or more of the respective commissioners, containing the names, surnames and places of abode of every person within their respective collections, that shall make default of payment of any of the sums that shall be rated or assessed on such person by virtue of this act, where no sufficient distress is to be found, and not otherwise, and the sum and sums charged on every such person: the same schedule to be delivered by the head collector, to the receiver general of the county, city, or place respectively, to be by him returned into their majesties' court of exchequer, whereupon every person so making default of payment may be charged by process of the said court, according to the course of the court of exchequer in such cases.

If any controversy arise concerning the assessing the commissioners, the commissioners concerned to withdraw during the debate. And in default the commissioners present may set a fine not exceeding £20.

All questions and differences to be determined by the commissioners. Receivers general to give the head collectors receipt gratis. Head collectors to give receipts gratis to the subcollectors. Subcollectors shall deliver a schedule to the head collectors of those that make default of payment where there is no distress. Which schedule is to be delivered to the receivers general.

No privilege of exemption from subsidies &c. shall extend to rates granted by this act.

XXIII. And be it further enacted, by the authority aforesaid, that no letters patents granted by their majesties or any of their royal progenitors, to any person or persons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments, or aids, shall be construed or taken to exempt any person or persons, city, place, borough, or town corporate, or any of the inhabitants of the same, or in the tower of *London*, from the burden and charge of any sum or sums of money granted by this act; but that all and every such person and persons, city, place, borough and town corporate, shall pay their proportions of all rates and assessments by this present act imposed; any such letters patents, grants or charters, or any clause of *non obstantie*, matter or thing therein contained, or any law, statute, custom or prescription to the contrary notwithstanding.

Inhabitants in cities, boroughs or towns corporate, not compellable to be assessors or collectors out of the limits.

XXIV. Provided also, that no person inhabiting in any city, borough, or town corporate, shall be compelled to be an assessor, or collector of or for any part of the rates and assessments hereby granted in any place or places out of the limits of the said city, borough, or town corporate.

Act not to charge societies of colleges or halls in the universities, &c.

XXV. Provided, that nothing contained in this act shall extend to charge any college or hall in either of the two universities, or the colleges of *Windsor*, *Eton*, *Winton* or *Westminster*, or the corporation of the governors of the charity for relief of poor widows and children of clergymen, or the college of *Bromley*, or any hospital, for or in respect of the sites of the said colleges, halls, or hospitals, or any master, fellow, or scholar, of any such college or hall, or any reader, officer or minister of the said universities, colleges or halls, or any master or usher of any school, for or in respect of any stipend, wages, or profits whatsoever arising or growing due to them in respect of the said several places and employments in the said universities, colleges, or schools, or to charge any of the houses or lands belonging to *Christ's Hospital*, *St. Bartholomew's*, *Bridewell*, *St. Thomas*, and *Bethlehem* hospital in the city of *London*, and borough of *Southwark*, or any of them, or the said corporation of the governors of the charity for relief of poor widows and children of clergymen, or the college of *Bromley*, nor to extend to charge any other hospital or almshouses, for or in respect only of any rents or revenues payable to the said hospitals or almshouses, being to be received and disbursed for the immediate use and relief of the poor in the said hospitals or almshouses only.

Or any reader, officer or minister in the universities, colleges or halls, or the masters or ushers of schools for their stipends, or the houses or lands of *Christ's* hospital, &c. or of any hospital or almshouse, in respect only of the rents to be received for the immediate relief of the poor therein. Tenants of hospitals to be rated for what the lands are worth above the rents reserved.

XXVI. Provided that no tenants of any lands or houses by lease or grant from the said corporation or any of the said hospitals or almshouses do claim or enjoy any freedom or exemption by this act, but that all the houses and lands which they so hold, shall be rated and assessed for so much as they are yearly worth over and above the rents reserved and payable to the said corporation, or to the said hospitals or almshouses, to be received and disbursed for the immediate support and relief of the poor in the said hospitals and almshouses.

Inhabitants in cities and towns corpo-

XXVII. Provided also, that where any person inhabiting within the city of *London*, or any other city, or town corporate hath his

dwellinghouse in one of the parishes and wards therein, and hath any goods, wares, or merchandizes chargeable by this act, in one or more of the other parishes or wards in the same city, that then such person shall be charged, taxed and assessed for such his goods and merchandizes in the parish or ward where he dwelleth, and not elsewhere in the said city.

ate, dwelling in one parish or ward, and having goods in another, to be assessed where they dwell.

XXVIII. Provided always, and be it further enacted by the authority aforesaid, that for the avoiding all obstructions and delays in assessing and collecting the sums which by this act are to be rated and assessed, all places, constablewicks, divisions and allotments, which have used to be rated and assessed, shall pay and be assessed in such county, hundred, rape, wapentake, constablewick, division, place, and allotment, as the same hath heretofore usually been assessed in, and not elsewhere.

All places to be assessed in such county division or place where usually assessed.

XXIX. Provided always, and be it further enacted, that in case any lands or houses in any parish or constablewick shall lie unoccupied, and no distress can be found on the same, nor the person of the true owner or proprietor can be found within the county wherein such house or land lieth, by reason whereof the rate and assessment upon such unoccupied house and lands cannot be levied, that then upon complaint made thereof to the commissioners for the county, where such case shall happen to be, the said commissioners, or any two or more of them, shall certify into their majesties' courts of exchequer, the name of the person whose lands or house so lieth unoccupied, together with the sum thereupon assessed, and the parish or place where such land or house lieth; which certificate is hereby declared to be a sufficient charge upon the person and land or house therein named, and shall make the person debtor to their majesties for the sum so assessed. And the court of exchequer shall issue out process thereupon against the body, goods and all other the lands of such debtor, until the sum so assessed be fully and actually levied and paid to their majesties.

Where lands or houses are unoccupied, and no distress nor the person of the owner to be found, the name of the owner to be certified into the exchequer:

Which certificate is to be a charge, and process to issue against the body, lands and goods.

XXX. And it is hereby further enacted and declared, that at the expiration of the respective times in this act prescribed for the full payment of the several and respective rates and assessments hereinbefore granted, the several and respective commissioners, or any two or more of them within their division and hundred, shall and are hereby required to call before them the chief collectors and subcollectors within each respective division and hundred, to examine and assure themselves of the full and whole payment of the particular sum and sums of money charged within and upon the said division and hundred, and every parish and place therein, and of the due return of the same into the hands of the receiver general of the said county, city, town and place respectively; and by such receiver general, to the receipt of their majesties' exchequer, to the end there may be no failure in the payment of any part of the rates and assessments which by this act ought to be levied and paid. And in case of any failure in the premises, the commissioners, or any two of them, are to cause the same forthwith to be levied and paid according to the true intent and meaning of this act.

Commissioners to examine touching the full payment of the sums.

XXXI. And be it further enacted by the authority aforesaid, that if any action, suit, plaint, or information, shall be commenced or

If any action be prosecuted for any

thing done in pursuance of this act, the defendant may plead the general issue, and give this act, and the special matter in evidence.

If the plaintiff be nonsuit, or verdict pass against him, the defendant shall recover treble costs.

Assessments on houses where foreign ministers shall be resident, shall be paid by the landlord or owner

In all extra-parochial and privileged places, the commissioners, or any two, are required to nominate two persons in or near the said places to be assessors,

and to appoint one or more collectors.

Nothing in this act to make void contracts between landlord or tenant or others touching payment of taxes.

No commissioners shall be liable to the penalties in the act of 25 Car. 2, touching popish recusants.

No commissioner shall be capable to act before he have taken the oaths in the act 1 W. & M. for abrogating the oaths of allegiance and supremacy, &c.

Every papist of the age of sixteen or

prosecuted against any person or persons for whatsoever he or they shall do in pursuance or in execution of this act, such person or persons so sued in any court whatsoever, shall and may plead the general issue, not guilty; and upon any issue joined, may give this act, and the special matter in evidence. And if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict shall pass against him, the defendants shall recover their treble costs, for which they shall have the like remedy as in case where costs by law are given to the defendants.

XXXII. Provided always and be it enacted, that every rate, tax, or assessment which shall be made or imposed by virtue of this act, in respect of any house or tenement which an ambassador, resident, agent, or other public minister of any foreign prince or state, now doth or shall hereafter inhabit or occupy, shall be paid by the landlord or owner of the said houses or tenements respectively.

XXXIII. And be it further enacted by the authority aforesaid, that in all privileged and other places, being extra-parochial or not, within any the constablewicks or precincts of the respective assessors, to be appointed by virtue of this act, (although in any monthly or other tax they have not been assessed or rated heretofore) the said commissioners or any two or more of them, shall and are hereby required to nominate and appoint two fit persons living in or near the said privileged or other places, as aforesaid, to be assessors for the said places, and to make and return their assessments, in like manner as by this act is appointed, in any parish, tithing, or place; and also to appoint one or more collectors, who are hereby required to collect and pay the same according to the rates appointed by this act for the collecting and paying all sums of money payable by this act.

XXXIV. Provided always, that nothing in this act contained, shall be construed to alter, change, determine, or make void any contracts, covenants, or agreements whatsoever between landlord and tenant, or others touching the payment of taxes or assessments; any thing hereinbefore contained to the contrary notwithstanding.

XXXV. Provided always, and be it further enacted by the authority aforesaid, that no commissioner or commissioners who shall be employed in the execution of this act, shall be liable for or by reason of such execution, to any of the penalties mentioned in the act made in the five and twentieth year of the reign of king Charles the second, for the preventing of dangers which may happen from popish recusants.

XXXVI. Provided always, and be it enacted, that no person shall be capable of acting as a commissioner in the execution of this act before he shall have taken the oaths appointed by an act of parliament made in the first year of their majesties' reign, intituled *an act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*; which oaths it shall be lawful for any two or more commissioners to administer, and are hereby required to administer to any other commissioner.

Which oaths any two or more of the commissioners are required to administer.

XXXVII. And be it further enacted by the authority aforesaid, that every papist, or reputed papist being of the age of sixteen years

or upwards, who shall not have taken the oaths mentioned, and required to be taken by the said last mentioned act, shall yield and pay unto their majesties double the sums and rates which by force or virtue of any clause in this act before mentioned, or contained, he or she should or ought to pay or be charged with (that is to say) for every hundred pounds of ready money and debts, and for every hundred pounds' worth of goods, wares, merchandizes, chattels, or personal estate, the sum of eight and forty shillings; and so after that rate for every greater or lesser quantity; and for every twenty shillings of the full yearly value of any manors, messuages, or other hereditaments or premises charged by this act, which he or she shall have or hold, the sum of eight shillings to be assessed, levied, and collected, answered, recovered, and paid in such manner, by such ways and means, and according to such rules and directions, and under such penalties and forfeitures, as are before in this act expressed or appointed for or concerning the above mentioned rates and sums, which are hereby intended to be doubled as aforesaid.

XXXVIII. Provided nevertheless, that if any such papist or reputed papist within ten days after the first meeting of the said commissioners in the respective counties or places, where he or she ought to be taxed or assessed, according to the intent of this present act, shall take the said oaths, before two or more of the said commissioners (which oaths the said commissioners are hereby empowered to administer) that in such case he or she shall not be liable to be doubly assessed as aforesaid.

XXXIX. And be it further enacted by the authority aforesaid, that every person being of the age of sixteen years, or upwards, and being within this realm at the time of the execution of this act, who shall not before that time have taken the said oaths mentioned and required to be taken by the said act, intituled *an act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*; and upon summons by warrant under the hand and seal of one or more of the commissioners appointed by this act, shall refuse to take the said oaths at the time appointed in the said warrant, or shall neglect to appear at such times before the commissioners in order to take the said oaths, (which oaths the said commissioners, or any two or more of them are hereby empowered and required to administer) shall yield and pay unto their majesties double the sums and rates which by force or virtue of any clause in this act before mentioned or contained he or she should or ought to pay, or be charged with, in manner as is before in this act appointed touching papists or reputed papists.

XL. And be it further enacted by the authority aforesaid, that every gentleman, or so reputed, or owning, or writing himself such, or being above that quality, and under the degree of a peer of this realm, who by virtue of an act made in the third year of their majesties' reign, intituled *an act for raising money by a poll payable quarterly for one year, for carrying on a vigorous war against France*, did pay or ought to have paid double the sums charged by the said act, or were, or ought to have been returned into the exchequer for non-payment thereof, who shall not voluntarily appear before the said commissioners, or any three or more of them, within ten days

upwards, not having taken the oaths in the last mentioned act, shall pay double what otherwise he should have paid.

Unless within ten days after the meeting of the commissioners, he shall take the oaths.

Every person of sixteen years of age, who shall not have taken the oaths before the time of the execution of this act being summoned, shall refuse to take the oaths, or neglect to appear before the commissioners in order to take the said oaths, shall pay the double rates he otherwise ought.

Every gentleman, or so reputed, &c. who by the act 3 W. & M. for the quarterly poll, did or ought to have paid double, or to have been returned into the exchequer for non-payment who shall not



voluntarily appear before the commissioners within ten days after their first meeting and take the oaths, such person shall pay double.

Commissioners upon information or suspicion are required to summon the person suspected to appear and take oaths. Quakers instead of the oaths, to make and subscribe the declaration of fidelity  
1 W. & M.

and such person so doing, shall not be chargeable with double rates.

No person liable to the pound-rate, whose lands are not of the yearly value of twenty shillings. Chancery officers within the liberty of the rolls shall be there assessed.

If collectors keep any monies collected in their hands, or pay any part thereof other than to the head collectors, or receiver general shall forfeit £10. Head collectors for the

after the first meeting of the said commissioners in the respective place or places where he ought to be taxed or assessed, and take the said oaths appointed by the said act made in the first year of their majesties' reign (which oath the said commissioners or any three or more of them are hereby empowered and required to administer, and to make an entry or memorandum thereof in some book to be kept for that purpose); such person shall be charged with, and pay double the sums which by force or virtue of this act he should or ought to have paid; the said double rates to be assessed, levied, collected, answered, recovered and paid in such manner, by such ways and means, and according to such rules and directions, and under such penalties and forfeitures, as are before in this act expressed or appointed for and concerning the above mentioned rates and sums, which are hereby intended to be doubled, as aforesaid.

XLI And be it further enacted, that any one or more of the commissioners appointed by this act, upon information given, or upon any cause of suspicion in that behalf, shall and are hereby required and enjoined to cause every person suspected, or against whom such information shall be given, to be summoned to appear and take the said oaths as aforesaid.

XLII. Provided nevertheless, that whereas certain persons, dissenters from the church of *England*, commonly called *Quakers*, and now known to be such, do scruple the taking of an oath, it shall be sufficient for every such person to make and subscribe the declaration of fidelity contained in an act made in the parliament held in the first year of their majesties' reign, intituled *an act for exempting their majesties' protestant subjects, dissenting from the church of England, from the penalties of certain laws*; which declaration any two or more of the commissioners appointed for the execution of this act are hereby empowered and required to take; and every such person so doing, shall not be liable to or chargeable with any of the double rates aforesaid.

XLIII. Provided, that no poor person shall be charged with, or liable to the pound-rate imposed by this act, upon lands, tenements or hereditaments, whose lands, tenements or hereditaments are not of the yearly value of twenty shillings in the whole.

XLIV. Provided always, that the right honourable the master of the rolls, the masters of chancery, six clerks of the petty bag, examiners, registers, clerks of the enrolment, clerks of the affidavits and subpœna office, and all other the officers of the court of chancery that execute their offices within the liberty of the rolls, shall be there assessed for their respective offices, and not elsewhere.

XLV. And be it further enacted, that if any collector of any parish or place shall keep in his hands any part of the money, by him collected for any longer time than is by this act directed (other than the allowance made unto him by this act) or shall pay any part thereof to any person or persons other than to the head collector or receiver general of such county or place, or his respective deputy, that every such collector shall forfeit for every such offence the sum of ten pounds; and in case every head collector shall keep in his hands any part of the money paid to him by any collector by virtue of this act for any longer time than is by this act directed, or shall

pay any part thereof to any person or persons other than the receiver general of such county or place, or his deputy, every such head collector shall forfeit for every such offence the sum of forty pounds. like offence shall forfeit £40.

And in case any receiver general, or his deputy, shall pay any part of the monies paid to him or them by any collector or head collector, by virtue of this act, to any person or persons whatsoever other than the receipt of their majesties' exchequer, and at or within the respective times limited by this act; or in case such receiver general or his deputy, shall pay any part of the said monies by any warrant of the commissioners of the treasury, or lord treasurer, under treasurer or commissioners of the treasury for the time being, or upon tally of *pro* or tally of *anticipation*, or other way or device whatsoever, whereby to divert or hinder the actual payment thereof into the receipt of exchequer as aforesaid; that then such receiver general shall for every such offence of himself or his deputy forfeit the sum of one thousand pounds to him or them that shall sue for the same in any court of record, by bill, plaint, or other information, wherein no essoin, protection or wager of law is to be allowed.

Receiver general for the like offence shall forfeit £1,000.

XLVI. And it is hereby further enacted, that the commissioners of the treasury, or the lord treasurer, under treasurer, or commissioners of the treasury for the time being, or any of them, do not direct any warrant to any of the said collectors, head collectors, or receiver general, or their deputies, for the payment of any part of the monies hereby given to any person or persons other than into the receipt of the exchequer, as aforesaid; nor shall they, or any of them direct any warrant to the officers of the exchequer for the striking of any tally of *pro*, or tally of *anticipation*, nor do any other matter or thing whereby to divert the actual payment of the said monies into the receipt of the exchequer; nor shall the officers of the exchequer strike, or direct, or record the striking of any tally of *pro*, or tally of *anticipation* upon any of the said monies upon any account or warrant whatsoever; nor shall any teller throw down any bill whereby to charge himself with any of the said monies, until he shall have actually received the same. Commissioners of the treasury, or lord treasurer not to direct warrant for payment of any the monies otherwise than into the exchequer, or to the officers of the exchequer, for striking of any tally of *pro*, or tally of *anticipation* nor shall the officers of the exchequer strike any such tally.

Commissioners of the treasury, or lord treasurer not to direct warrant for payment of any the monies otherwise than into the exchequer, or to the officers of the exchequer, for striking of any tally of *pro*, or tally of *anticipation* nor shall the officers of the exchequer strike any such tally. No noli prosecute or other stay of prosecution in any suit against offenders.

XLVII. Provided also, and be it enacted, that no stay of prosecution upon any command, warrant, motion, or order, or direction by *non cult ulterius prosequi*, shall be had, made, admitted, received, or allowed by any court whatsoever in any suit or proceeding by action of debt, bill, plaint, or information, or otherwise, for the recovery of all or any the pains, penalties, or forfeitures upon any person or persons by this act inflicted, or therein mentioned, or for, or in order to the conviction or disability of any person offending against this act.

XLVIII. Provided always, and be it further enacted by the authority aforesaid, that all and every the manors, messuages, lands, tenements and hereditaments charged by this act shall be rated and assessed at least at double the sum at which the same was, or were assessed by virtue of an act of parliament made in the first year of their majesties' reign, intituled *an act for a grant to their majesties of an aid of two shillings in the pound for one year*. Lands, &c. to be assessed at least at double what they were assessed to by the two shilling act.

XLIX. Provided always, that if any person or persons so charged or assessed at least at double the sum, as aforesaid, shall upon com-

Commissioners empowered to abate,

on proof that lands are charged above four shillings in the pound.

Commissioners acting before taking the oaths forfeit £500.

No person capable of acting as a commissioner in any county, or in London, or Westminster who did not pay twenty shillings a quarter to the quarterly poll.

No person capable of acting as a commissioner in any other place, unless he was assessed and paid

twenty shillings quarterly, or ten shillings quarterly.

In case there be not commissioners enough sufficiently qualified for any city or town, the commissioners for the county at large may act.

In case there be not a sufficient number of commissioners capable of acting for any county, their majesties may constitute under the great seal, so many persons being resident, as have real estates to £100 per annum in

plaint made to the commissioners in such manner, and within such time as is hereinbefore directed in cases of appeals, make it appear to the said commissioners, or any five of them, by proof upon oath, that such assessment doth exceed four shillings for every twenty shillings of the full yearly value, in such case, upon such proof, and due examination thereof, the said commissioners are hereby empowered to abate and lessen the said assessment so much as the same shall exceed four shillings for every twenty shillings of the true yearly value, and no more.

L. Provided always, and be it enacted, that if any person hereby named a commissioner shall presume to act as a commissioner in the execution of this act, before he shall have taken the oaths which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to their majesties the sum of five hundred pounds.

LI. Provided also, and be it enacted, that no person shall be capable of acting as a commissioner in the execution of this act for any county or riding, or the cities of *London* or *Westminster*, unless he was assessed, and did pay to their majesties the sum of twenty shillings quarterly towards the rates and assessments granted by an act made in the last session of this present parliament, intituled *an act for raising money by a poll payable quarterly for one year, for the carrying on a vigorous war against France*. And also that no person shall be capable of acting as a commissioner in the execution of this act for any other city, or in any borough, town or cinque port, or the counties thereof respectively, unless he was assessed and did pay to their majesties the sum of twenty shillings quarterly, as aforesaid, or was assessed, and did pay to their majesties the sum of ten shillings quarterly (as a tradesman worth three hundred pounds) towards the said quarterly poll.

LII. Provided nevertheless, that in case there shall not be a sufficient number of commissioners for any city, borough, town or cinque port (for which by this act commissioners are particularly appointed) capable of acting according to the qualifications aforesaid for putting this act in execution, that in every such case any of the commissioners appointed for the county at large, within which such cities, borough, town, or cinque port doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act within such city, borough, town, or cinque-port.

LIII. Provided also, and be it further enacted, that in case there shall not be a sufficient number of the persons nominated to be commissioners for any county, who shall be capable of acting as commissioners according to the qualifications in this act before mentioned, that in every such case, it shall be lawful for their majesties to issue or cause to be issued one or more commission or commissions under the great seal of *England*, and thereby to nominate, constitute, and appoint such and so many persons being resident, and having real estates of the value of one hundred pound a year in the said respective counties, for which they shall be respectively nominated to be commissioners for putting this present act in execution in the said counties respectively; which said commissioners so to be nominated and appointed for the said counties respectively shall have such and the same powers for putting this act in execution in the

said respective counties, and under the same rules and directions as any other commissioners nominated and appointed by this act; any thing herein contained to the contrary notwithstanding.

LIV. And for the more effectual charging all personal estates, be it enacted by the authority aforesaid, that if after the assessments on personal estates directed by this act, shall be made, any person shall come to inhabit or reside in any division or place where such person was rated or taxed for personal estate, the commissioners acting within such division or place, are hereby required and empowered to summon such person before them; and unless he or she shall produce a certificate made according to the directions of this act, whereby it shall appear that he or she was assessed, and had actually paid all the precedent quarterly payments in some other place for his or her personal estate, the said commissioners shall, and are hereby required to cause such person to be assessed for his or her personal estate, and cause the same, or such quarterly payments thereof, as shall be then unassessed and unpaid, to be assessed, levied, and paid, according to the true intent and meaning of this act.

the counties to be commissioners.

If after the assessment, any person shall remove to a place where he was not rated for personal estate, the commissioners are to summon such person before them, and cause him to be rated, and unless he produce a certificate, that he was assessed, and paid all the precedent quarterly payments for his personal estate.

LV. Provided always, that the prison of the king's bench, the prison house, lands, gardens and the common side, and all the rents, profits and perquisites of the office of marshal of the said king's bench prison, lying, and being in the parish of *St. George the Martyr* in the borough of *Southwark*, and county of *Surrey*; and also the prison house, lands and gardens of the prison of the marshal of the marshalsea prison, and all offices, perquisites and profits of the marshalsea court and prison, lying and being also in the said parish of *St. George* in the borough of *Southwark*, and county of *Surrey*, shall be charged and assessed to this assessment in the said parish of *St. George* and borough of *Southwark*, and not elsewhere; any thing to the contrary in anywise notwithstanding.

The king's bench prison with the lands, &c. Rents and perquisites of the office of marshal, and the prison house lands, &c. of the marshal of the marshalsea, and offices and perquisites of the marshal's court

shall be charged and assessed in the parish of *St. George* in *Southwark*.

LVI. Provided always, and be it enacted, that where the owners of any lands, tenements, or hereditaments, are liable to be doubly charged as papists, reputed papists or otherwise, by reason of their not having taken the oaths according to the intent of this act, in every such case such owners only shall be charged with, and shall pay the said double rate): and the respective tenants of such lands, tenements, or hereditaments, are hereby discharged of and from the same; any covenant for payment of taxes, or other agreement to the contrary notwithstanding.

Where owners of lands are liable to be doubly charged, as papists, or otherwise for not taking the oaths, the owners shall be only charged with double taxes, and the tenants are discharged.

LVII. Provided always, and it is hereby enacted, that it shall and may be lawful to and for any person or persons to advance and lend unto their majesties upon the security of this act, any sum or sums of money, and to have and receive for the forbearance thereof any sum not exceeding seven pounds by the hundred for one whole year, and no more directly or indirectly; and moreover, that no money so lent upon the security of this act shall be rated or assessed by virtue of this act.

Borrowing clause at interest, not exceeding £7 per cent.

LVIII. And to the end that all monies which shall be lent to their majesties upon the credit of this act, may be well and sufficiently secured out of the monies arising and payable by this act, be

it further enacted by the authority aforesaid, that there shall be provided and kept in their majesties' exchequer (that is to say) in the office of the auditor of the receipts, one book and register, in which all monies that shall be paid into the exchequer by virtue of this act, shall be entered and registered apart and distinct from all other monies paid or payable to their majesties upon any other branch of their majesties' revenue, or upon any other account whatsoever: and that all and every person and persons who shall lend any money to their majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his repayment, bearing the same date with his tally: in which order shall be also contained a warrant for payment of interest for forbearance thereof not exceeding seven pounds *per centum per annum*, for his consideration, to be paid every three months, until repayment of his principal: and that all orders for repayment of money, shall be registered in course according to the date of the tally respectively, without preference of one before another: and that all and every person and persons shall be paid in course, according as their orders shall stand entered in the said register book, so as the person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entered in the said book of the register, shall be taken and accounted the first person to be paid upon the monies to come in by virtue of this act: and he or they who shall have his or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively, and in course. And that the monies to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent, or purpose whatsoever: and that no fee, reward or gratuity, directly, or indirectly, be demanded or taken of any of their majesties' subjects for providing or making of any such books, registers, entries, views or search, in or for payment of money lent, or the interest, as aforesaid, by any of their majesties' officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with costs of suit: or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs, to the party aggrieved, and shall be forejudged from his place or office: and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office. And in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment, according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to

such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, and costs, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of their majesties' courts of record at *Westminster*, wherein no essoyn, protection, privilege, wager of law, injunction, or order of restraint shall be in anywise granted or allowed.

LIX. Provided always, and be it hereby declared, that if it happen that several tallies of loan or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference which of those be entered first, so he enters them all the same day.

LX. Provided also, that it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their monies, and bring their order before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan, being to cease from the time the money is so reserved, and kept in bank for them.

LXI. And be it further enacted by the authority aforesaid, that every person or persons to whom any money shall be due by virtue of this act, after order entered in the book of register aforesaid, for payment thereof, his executors, administrators or assigns, by endorsement of his order, may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders, which the officers shall upon request, without fee or charge accordingly make, shall entitle such assignee, his executors, administrators and assigns to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignments, to make void, release or discharge the same, or any the monies thereby due, or any part thereof.

LXII. Provided always and be it further enacted, that all and every the principal sums of money which in pursuance of an act made in the last session of this present parliament, intituled *an act for raising money by a poll payable quarterly for one year for carrying on a vigorous war against France*, and of their majesties' letters of privy seal, bearing date the three and twentieth day of *September* one thousand six hundred and ninety-two, made in pursuance of the said act, have been lent, or shall be lent to their majesties at the receipt of their exchequer, not exceeding in the whole the sum of seven hundred thirty-five thousand three hundred ninety-one pounds eighteen shillings five pence halfpenny, and all and every the orders of loan for the same, shall be in the first place transferred to and placed upon the register appointed to be kept by this act, and shall be registered thereupon, in such course and order as they now have

Clause for transferring monies borrowed upon the receipt for the quarterly poll to the credit of this act, not exceeding seven hundred thirty-five thousand three hundred ninety-one pounds eighteen shillings five pence halfpenny.

by the books kept in the said receipt ; or where any special agreements have been made with the lenders for the course or order they were to have, in all such cases, according to those agreements ; which transferences shall and may be, and are hereby required to be made by virtue of this act, without making any issues, or taking any receipts from the parties, in order to transfer the said loans : And that the principal monies upon the said orders so transferred, shall be payable and paid to the lender or lenders of the same, his, her, or their executors, administrators or assigns, out of the monies arising by virtue of this act, in the same course and order according to which they are hereby appointed to be transferred, and with preference to the loans which any person or persons shall make hereafter upon the credit of this present act : and that the interest after the rate of seven pounds *per centum per annum*, due, or to be due, for the said loans to be transferred, as aforesaid, shall be paid and satisfied out of the monies arising by this act, until the respective times of the satisfaction of the principal : and that the auditor of the said receipt, upon the transferring of the said loans, or the order for the same, as aforesaid, shall make memorandums in the margin of his books where the same do, or shall stand entered upon the said act for the quarterly poll importing the transference thereof, and that they are to be paid out of the monies arising by virtue of this act : and that any person or persons who are or shall be entitled to any monies to be paid by such orders, to be transferred, as aforesaid, shall or may assign over the same to any other person or persons ; which assignments shall be good and effectual in law, and so *toties quoties* ; any thing in the said former act, or in this present act to the contrary notwithstanding.

Clause of appropriation.

£700,000 to the use of the navy, &c.

The residue to the use of the land forces.

LXIII. And be it enacted, that out of the monies which shall be levied and paid by virtue of this act, into the receipt of the exchequer, as well by loan or otherwise (over and besides the sum of seven hundred thirty-five thousand three hundred ninety-one pounds eighteen shillings five pence halfpenny before mentioned to be transferred to, and placed upon the register appointed to be kept by this act) the sum of seven hundred thousand pounds shall be, and is hereby applied and appropriated to and for the payment of officers and seamen that have served, and shall serve in their majesties' navy royal, and for the paying for stores, provisions and victuals, supplied, and to be supplied for the said navy, and to and for the expenses of their majesties' office of ordinance in respect to naval affairs, and for other necessary uses and services, performed and to be performed, in and for the said navy ; and that all other the monies which shall be levied and paid by virtue of this act into the receipt of the exchequer as well upon loan, as otherwise, other than the said sum of seven hundred thirty-five thousand three hundred ninety-one pounds eighteen shillings and two pence halfpenny, and the interest thereof, and also the sum of seven hundred thousand pounds appropriated for payments relating to their majesties' navy, as aforesaid, shall be applied, and appropriated, and is hereby appropriated to, and for the payment of their majesties' land forces and armies, and the paying for arms, ammunition, and other charges incident to the war, and not otherwise.

LXIV. And for the effectual doing thereof, and that the said several sums hereby appropriated to the uses aforesaid, may not be diverted or applied to any other purpose, be it further enacted, that the commissioners of the treasury, or the lord treasurer, under treasurer, or the commissioners of the treasury for the time being, or any of them do not direct any warrant to any of the said collectors, or receivers general, or their deputies for the payment of any part of the monies hereby given to any person or persons other than into the receipt of the exchequer, as aforesaid; nor shall they, or any of them direct any warrant to the officers of the exchequer for striking of any tally of *pro*, or tally of *anticipation*, or do any other matter or thing whereby to divert the actual payments of the said monies into the receipt of the exchequer; nor shall the officers of the exchequer strike or direct, or record the striking of any tally of *pro*, or tally of *anticipation* upon any of the said monies, upon any account or warrant whatsoever; nor shall any teller throw down any bill whereby to charge himself with any of the said monies, until he shall have actually received the same.

LXV. And it is hereby further enacted, that the officers of the receipt of the exchequer respectively, shall and are hereby required to keep the said sum of seven hundred thousand pounds hereby appropriated for payments relating to their majesties' navy, as aforesaid, and the account thereof distinct from all other monies and accounts whatsoever; and that the lord high treasurer, under treasurer, or commissioners of the treasury for the time being, or any of them respectively, do not sign any warrant or order, or do any matter or thing for the issuing or paying any part of the said sum of seven hundred thousand pounds by this act appropriated for payments relating to their majesties' navy, as aforesaid, to any person or persons other than the treasurer of the navy or his deputy, and the treasurer of the ordnance or his deputy, for the uses aforesaid; nor shall the auditor of the receipt draw any order whatsoever for the issuing any part of the said sum of seven hundred thousand pounds hereby appropriated, as aforesaid, to any person or persons, other than the said treasurer of the navy or his deputy, and the treasurer of the ordnance or his deputy, as aforesaid; nor shall he direct, nor the clerk of the pells record, or any teller make payment of any part of the said appropriated sum of seven hundred thousand pounds by virtue of any warrant, or upon any order or other way or device whatsoever, other than to the persons and for the uses aforesaid, and to be so mentioned and expressed in such warrant or order.

LXVI. And it is hereby further enacted, that the treasurer of the navy, and the treasurer of the ordnance for the time being, shall keep such part of the said sum of seven hundred thousand pounds appropriated for payments relating to their majesties' navy, as aforesaid, by virtue of this act, as shall be paid to them respectively, distinct and apart from all other monies; and the treasurer of the navy shall issue and pay such part of the said sum as shall be paid in to him by warrant of the principal officers and commissioners of the navy, or any three or more of them; and the treasurer of the ordnance shall issue and pay such part of the said sum as shall be



paid in to him by warrant of the principal officers of the ordnance, or any three of them, mentioning and expressing in the respective warrant, the respective uses for which the same is respectively issued and paid, according to the respective appropriations thereof, and applying the same: which said principal officers and commissioners of the navy, and principal officers of the ordnance, are to follow therein the order and direction of the lord high treasurer, or lords commissioners of the treasury for the time being, for apportioning the same for the payment of the officers and seamen, stores, provisions, victuals and the office of ordnance, in respect to naval affairs, as aforesaid, in such just and proportionable distributions as may be most agreeable to the true intent of this act.

LXVII. And it is hereby further enacted, that the principal officers and commissioners of the navy, or any of them, or principal officers of the ordnance, or any of them, shall not sign any navy bill or warrant, or do any other act or thing for the issuing and paying any part of the said sum of seven hundred thousand pounds so appropriated by this act, to any use, intent, or purpose whatsoever, other than for the respective uses for which the same is appropriated, as aforesaid, and to be so mentioned and expressed in such navy bill or warrant.

LXVIII. And be it further enacted, that if any of the officers which are appointed by this act to receive the said sum of seven hundred thousand pounds, hereby appropriated for payments relating to their majesties' navy, or any part thereof, shall after the receipt of the said money, divert or misapply the same, or any part thereof by virtue of any warrant from the commissioners of the treasury, or from the lord treasurer, or other superior officers for the time being, contrary to the true intent of this act, that then such officer or officers so diverting or misapplying the said monies, shall forfeit the like sum so diverted or misapplied; which said forfeiture shall be recovered by action of debt, bill, plaint, or information in any of their majesties' courts at *Westminster*, wherein no essoin, protection, or wager of law shall be allowed; the one moiety of which forfeiture so to be recovered, shall be to the informer, or him who shall sue for the same, the other moiety thereof to be distributed to the poor of the parish where such offence shall be committed.

LXIX. And be it further enacted, that if any officer or officers mentioned in this act, or in anywise belonging to the exchequer, navy, or ordnance, shall willingly and wilfully offend against this law, or any clause thereof, by diverting or misapplying any part of the said sum of seven hundred thousand pounds appropriated for payments relating to their majesties' navy, as aforesaid, contrary to the true intent of this act, that for any and every such offence, such officer and officers so offending, shall forfeit his office and place, and is, and are hereby disabled, and made incapable to hold or execute the said office, or any other office whatsoever for the future.

LXX. Provided also and be it enacted, that no stay of prosecution upon any command, warrant, motion, order, or direction, by *non vult ulterius prosequi*, shall be had, made, admitted, received or allowed by any court whatsoever, in any suit or proceeding by action of debt, bill, plaint or information, or otherwise, for the

recovery of all or any the pains, penalties, or forfeitures, upon any person or persons by this act inflicted, or therein mentioned, or for or in order to the conviction or disability of any persons offending against this act.

LXXI. Provided always, and be it enacted, that out of the monies hereby appropriated to and for the payment of officers and seamen that have served and shall serve in their majesties' navy royal, and to and for the paying for naval stores and provisions (other than for victuals) and to and for the expenses of their majesties' office of the ordnance, in respect of naval affairs, and for other necessary uses and services performed and to be performed for the said navy, all such part thereof as shall be issued and paid by the treasurer of the navy by warrant of the principal officers and commissioners of the navy, or any three or more of them for naval stores and provisions, shall be paid in course to every person or persons, or their assigns to whom any such money is, or shall be due, according to the dates of the bills or contracts registered for the same, and not otherwise; and that out of all such further part of the said monies as shall be issued and paid to the lieutenant and principal officers of the ordnance, or the paymaster thereof, or his deputy, for the expense of their majesties' ordnance as to naval affairs, and by them or the said paymaster respectively to any person or persons for ammunition or any other use or service relating to the office of the ordnance, shall be in like manner paid in course to every such person or persons, or their assigns respectively, according to the respective dates of the bills and contracts for the same, and not otherwise: and the comptroller of the navy, and storekeeper of the ordnance are hereby respectively required to keep one or more book or books in their respective offices, wherein all bills and contracts in reference to the navy, and office of the ordnance for such bills and contracts respectively, as aforesaid, shall be duly registered, that all and every person or persons concerned therein may have recourse thereunto without paying any fee or reward for so doing; and if any preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, either by the said treasurer of the navy, or paymaster of the ordnance, or comptroller of the navy, or storekeeper of the ordnance, or any of them, or their respective deputies or clerks, then the party offending shall be liable by action of debt, or on the case, to pay double the value of the debt, damages and costs to the party grieved; all which said penalties, damages and costs to be incurred by the persons aforesaid, or any of them respectively, shall and may be recovered by the said party grieved, by action of debt, bill, plaint, or information in any of their majesties' courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint shall be in anywise granted or allowed.

All monies issued for naval stores and provisions (except for victuals) to be paid in course.

LXXII. Provided nevertheless, that it shall and may be lawful for the said lieutenant and principal officers of the ordnance, and the officers of the navy board, upon any emergent or extraordinary occasion, to pay any of the said monies appropriated by this act to any person or persons upon account, by way of imprest; anything herein contained to the contrary notwithstanding.

Officers of ordnance or navy board, upon extraordinary occasions may pay imprest money.

LXXIII. Provided also, that it shall not be construed any preference to incur any penalty in point of payment in course, as aforesaid, if the said treasurer of the navy, or paymaster of the ordnance, or their deputies respectively do pay subsequent bills of persons which come and demand their money, and bring their warrant or order in their course for the same, so as there be so much money reserved as will satisfy precedent bills or contracts registered, as aforesaid, which shall not be otherwise disposed of, but kept for them in the said respective offices.

4 GEORGE 3, CAP. 2.—*An act for granting an aid to his majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty-four.*

34 GEORGE 3, CAP. 8.—*An act for granting an aid to his majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and ninety-four.*

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SPACE LEFT  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## LAND TAX, REDEMPTION.

38 GEORGE 3, CAP. 60, SECS. 1—25, 29—44, 64—107 & 109—122.

*—An act to make perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain as a land tax for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight.*—Whereas it may materially conduce to strengthening and supporting the public credit, and to augmenting the national resources at this important conjuncture, that the duty now payable for one year on land should be made perpetual, but subject to redemption and purchase, on transferring to the commissioners for the reduction of the national debt a certain proportion of capital stock, in the manner hereinafter stated; be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that the several and respective sums of money charged by virtue of an act of the present session of parliament, intituled *an act for granting an aid to his majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and ninety-eight*, on the respective counties, ridings, stewartries, cities, boroughs, cinque ports, towns, and places in *Great Britain*, in respect of the manors, messuages, lands, tenements, and hereditaments, in the said act mentioned, lying within the same counties, ridings, stewartries, cities, boroughs, cinque ports, towns, and places respectively, to be raised, levied, and paid unto his majesty, within the space of one year from the twenty-fifth day of *March* one thousand seven hundred and ninety-eight, shall, from and after the expiration of the said term, (except as hereinafter mentioned), continue, and be raised, levied, and paid yearly to his majesty, his heirs and successors, from and after the twenty-fifth day of *March* in every year for ever; and that all the several powers, rules, directions, provisions, articles, clauses, matters, and things, contained in the said act of the present session of parliament, as far as the same are not varied or otherwise provided for in and by this act, shall continue and be in full force, and be duly observed, practised, and put in execution as fully and effectually as if the same powers, rules, directions, provisions, articles, clauses, matters, and things were particularly repeated and re-enacted in the body of this act, and expressly applied to the provisions thereof, subject nevertheless to the rules, regulations, restrictions, and conditions of redemption or purchase herein mentioned.

Cap. 5.  
Land tax  
after March  
25, 1799,  
shall be raised  
yearly for  
ever;

See s. 2, 3.

subject to  
redemption  
or purchase.

II. Provided always, and be it further enacted, that none of the provisions in this act contained shall extend, or be construed to extend, to any sum or sums of money charged, by virtue of the said act of the present session of parliament, upon any estate in ready money, debts, goods, wares, merchandizes, or personal estate, or upon any person or persons in respect of any public office or em-

This act shall not extend to personal estate, offices, pensions, &c. the rates on which after March 25, 1799, shall

be levied according to the direction of future acts.

ployment of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments, payable out of the receipt of his majesty's exchequer in *England*, or out of his majesty's public revenues in *Great Britain*, in the said act mentioned, but that the several sums of money charged upon any estate in ready money, debts, goods, wares, merchandizes, or personal estate, by the said act, and also the several sums of money charged under and by virtue of the said act upon any offices or employments of profit, or any salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments, shall, after the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, be ascertained, raised, levied, collected, and paid, according to the directions of any act or acts to be passed for that purpose.

Rates on personal estate, offices, pensions, &c. in the year ending March 25, 1799, shall be distinguished from those on land in the assessments and duplicates.

III. And be it further enacted, that the several and respective sums of money, charged or to be charged under and by virtue of the said act of the present session of parliament, for and in respect of any estate in ready money, debts, goods, wares, merchandizes, or personal estates, and for and in respect of any offices or employments of profit, salaries, gratuities, bounty monies, rewards, fees, profits, perquisites, advantages, pensions, annuities, stipends, or yearly payments aforesaid, by any assessment made in the year ending on the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, shall, in every parish or place where such sums are charged and assessed, be separated and divided from the remainder of the monies charged in such parish or place, by virtue of the said act of the present session of parliament, and shall be so returned in the several duplicates thereof, to be transmitted according to the directions of the said act.

The king may appoint commissioners for selling the land tax, from the land tax commissioners in each district.

IV. And be it further enacted, that it shall be lawful for his majesty, his heirs and successors, by warrant under his royal sign manual to nominate and appoint, in every county, riding, stewartry, city, borough, cinque port, town, and place, in *Great Britain*, such and so many of the persons who are or shall be named or appointed in or by any act or acts now in force, or hereafter to be passed, to carry into execution the act of the present session of parliament before mentioned, or this act, as to his said majesty shall seem fit, to be commissioners for the purpose of selling the land tax arising in the several counties, ridings, stewartries, cities, boroughs, cinque ports, towns, and places, wherein they are or shall be respectively specially nominated and appointed, and the said several persons so to be nominated or appointed by his majesty, his heirs or successors, shall be commissioners for the said purpose.

Commissioners' oath.

V. And be it further enacted, that every commissioner especially nominated and appointed for the purpose of this act, and also every commissioner of appeals, before he shall enter upon the execution of the said office, shall take an oath to the effect following; that is to say,

**I** *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute the several powers and trusts reposed in me by an act of the thirty-eighth year of the reign of his majesty king *George* the third, intituled as

act for making perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain, as a land tax for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight, according to the tenor and purport of the said act.

*So help me God.*

Which oath shall and may be administered by any one of the persons appointed to be a commissioner, to any other or others of them.

VI. And be it further enacted, that it shall be lawful for the commissioners specially appointed for the purposes of this act, and they are hereby authorized and empowered, to examine upon oath or affirmation (which oath or affirmation they or any one or more of them are, and is hereby authorized to administer) all persons who shall be desirous of redeeming or purchasing any land tax under this act, and all other persons who shall be willing to be examined touching any matters or things, relating to the title of any person or persons in remainder, reversion, or expectancy to any estate, or having any mortgage, lien, or incumbrance upon any estate, the land tax charged upon which is proposed to be redeemed or purchased under this act, or touching any matter or thing relating thereto, that such commissioners may think necessary for their information, for the execution of the powers vested in them; and also to require, from any person or persons claiming any benefit of preference under this act, the production, upon oath or affirmation, of any deed, conveyance, or instrument relating to such estate; and to receive any affidavit or deposition in writing, upon oath or affirmation, which shall be made in any part of *Great Britain* above the distance of ten miles from the place where the said respective commissioners shall meet, before any mayor or magistrate of any city, town, or place, having authority to administer an oath in any matter civil or criminal in such city, town, or place, or before any justices of the peace of any county or district where the person making such affidavit, deposition, or affirmation shall happen to be; or to receive any affidavit or deposition in writing, upon oath or affirmation which shall be made in any parts beyond the seas, before any magistrate of the county, territory, or place, having competent power and authority to administer an oath, and residing near the place where the person making such oath or affirmation shall also reside, and certified and transmitted to the said commissioners under the hand and seal of such magistrate: provided, that in every such affidavit, deposition, or affirmation, there shall be expressed the addition of the party making the same, and the particular place of his or her abode, and the same shall be entitled an affidavit, deposition, or affirmation made in pursuance of this act.

Commissioners may examine and receive information, on oath, from persons desirous of redeeming or purchasing any land tax;

and from other persons interested in the lands in remainder, &c. with power to require inspection of any deed relating thereto;

and to receive affidavits of the fact;

provided the affidavit be made in pursuance of the act.

Persons making any false oath or affidavit, shall incur the penalties of perjury.

VII. And be it further enacted, that if any person, upon examination on oath or affirmation before the said commissioners respectively, or in any affidavit, deposition, or affirmation, before any mayor, magistrate, or justice of the peace in *Great Britain*, in any matter relating to the execution of this act, shall wilfully and corruptly give false evidence, or shall in any such affidavit, deposition, or affirmation, wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof duly convicted, shall be, and is hereby declared to be

subject and liable to such pains and penalties as, by any law now in being, any persons convicted of wilful and corrupt perjury are subject and liable to.

Two commissioners may contract with persons and corporations holding land, for redemption of the land tax thereon, by virtue of the act of the present session.

VIII. And be it further enacted, that it shall be lawful for the commissioners specially to be appointed for the purpose of this act, or so many of them as shall be present at any meeting or meetings to be holden in any county, riding, stewartry, city, borough, cinque port, town, or place, or any two or more of them, to contract and agree with all and every persons or person, bodies politic and corporate, guilds, mysteries, fraternities, and brotherhoods, whether corporate or not corporate, having or holding any manors, messuages, lands, tenements, or hereditaments described in the said act of the present session of parliament, for the redemption of the land tax charged upon their respective manors, messuages, lands, tenements, or hereditaments aforesaid, according to the assessment and rate made or to be made in pursuance of the said act, upon the terms and conditions, and in manner hereinafter described and mentioned.

Form of the contract in schedule (B.)

IX. And be it further enacted, that every contract and agreement made and entered into by virtue of this act, with the commissioners specially to be appointed for the purpose aforesaid, by any person or persons, bodies, corporations, or companies before described, for the redemption of any land tax charged upon his, her, or their manors, messuages, lands, tenements, or hereditaments aforesaid, shall be in the form mentioned and described in the schedule to this act annexed, marked (B), and the consideration therein to be inserted, and contracted and agreed to be given for such redemption as aforesaid, shall be so much capital stock of public annuities transferrable at the bank of *England*, bearing an interest after the rate of three pounds *per centum per annum*, commonly called the *three pounds per centum consolidated annuities*, and the *three pounds per centum reduced annuities*, as will yield an annuity or dividend exceeding the amount of the land tax so to be redeemed as aforesaid by one tenth part thereof, such capital stock to be transferred to the commissioners appointed by an act of the twenty-sixth year of the reign of his present majesty, for the reduction of the national debt, in trust for the purposes of this act.

The consideration of the redemption shall be so much stock in the 3 per cent. consols, or 3 per cent. reduced, as will produce a dividend exceeding the amount of the land tax redeemed by 1-10th.

Such stock shall be transferred to the commissioners for reducing the national debt, within four years from March 25, 1799, by four instalments in each year; or the whole may be transferred at once, (when no interest shall be payable (See s. 91.) or by shorter instalments, if so stipulated.

X. And be it further enacted, that the transfer of the whole amount of the capital stocks in the three pounds *per centum annuities*, or either of them, to be transferred as before mentioned, shall be made to the commissioners for the reduction of the national debt, within the period of four years from the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, by four instalments in every year; *videlicet*, on or before the first day of *May*, the first day of *August*, the first day of *November*, and the first day of *February* in each year, the first instalment to be made on such of the said days as shall next ensue the entering into such contract: provided always, that it shall be lawful for any person or persons, bodies, corporations, or companies before described, to stipulate with the said commissioners for the transfer of the whole of the said capital stock at one time, or that the same shall be transferred by instalments within a less period than four years, so that the same be made by even instalments at equal intervals within the period agreed upon, and on the

respective days before mentioned in each such year, or on such of the said days as shall fall within the period agreed upon for such transfer: provided also, that any person so contracting as aforesaid, may transfer the whole stock so agreed to be transferred as the consideration for such contract, or any part thereof, in advance, to the commissioners for the reduction of the national debt; and that from and after the transfer of any stock in advance, no interest on account of such stock so transferred in advance shall be paid, as hereinafter is directed: provided always, that if the whole of the stock so agreed to be transferred shall not be transferred at one time, but by instalments, and if a division of the entire quantity of stock into equal sums, to be paid by such instalments, would occasion a fraction, less than the fraction of one penny, the fractional part or parts less than one penny, necessary to such equal division, shall be taken from the prior instalment and added to the last instalment, so as to avoid any fraction less than a penny.

Fractions less than one penny to be avoided.

XI. And be it further enacted, that it shall be lawful for all bodies politic, corporate, or collegiate, corporations, aggregate or sole, and all guilds, mysteries, fraternities, or brotherhoods, whether corporate or not corporate, and all trustees for charities or other public purposes, who are or shall be seised or possessed of any manors, messuages, lands, tenements, or hereditaments, whereon any land tax hereby made saleable shall be charged, to contract and agree for the redemption of such land tax, or any part thereof, notwithstanding any statutes of mortmain, or other statutes or acts of parliament to the contrary; and it shall be also lawful for all committees and curators of lunatics or of idiots, and for all tutors and guardians of infants, and for all persons having authority to act for infants, married women, and other persons incapable of acting for themselves, to contract and agree on behalf of such lunatics, idiots, infants, married women, and other persons incapable of acting for themselves, for the redemption of the land tax charged on any manors, messuages, lands, tenements, or hereditaments, wherein such lunatics, idiots, infants, married women, or other persons incapable of acting for themselves, shall be interested, or any part thereof, in the same manner as such persons might have done if not under any incapacity; and it shall also be lawful for all trustees to contract and agree in like manner, on behalf of the persons for whom they shall be trustees, for the purchase of any land tax charged on any manors, messuages, lands, tenements, or hereditaments, of which they shall be trustees.

Corporations, trustees for charities, &c. committees of lunatics, guardians and private trustees for incapacitated persons, enabled to contract for redemption of the land tax, on their respective trust estates.

XII. And be it further enacted, that it shall be lawful for all such bodies politic and corporate, and companies, and persons before described, and all other persons having any estate or interest in, or being substitute heirs of entail entitled in their order to succeed to any manors, messuages, lands, tenements, or hereditaments, whereon any land tax hereby made saleable shall be charged, (except tenants at rack rent for any term of years, or from year to year, or at will, and except tenants holding under the crown any lands or tenements within the survey and receipt of the exchequer or the duchy of Lancaster, or under the duke of Cornwall any lands or tenements belonging to and parcel of the duchy of Cornwall, for years, or from year

Such corporations and trustees, and persons in possession or reversion, or having any interest in the land (except tenants at rack rent or tenants of crown lands, &c.) enabled to contract, in preference to all others,



till March 25, 1799. to year, or at will,) to contract and agree with the said commissioners specially to be appointed for the purposes of this act, in the county, riding, stewartry, city, borough, cinque port, town, or place, where such manors, messuages, lands, tenements, or hereditaments, are situate, for the redemption of the said land tax charged thereon, or any part thereof, upon the terms and conditions, and subject to the regulations hereinafter mentioned, and that such bodies politic and corporate, companies, and persons having such estate or interest as aforesaid, shall be entitled so to contract, in preference to all other bodies politic and corporate, and persons whatsoever, provided they shall contract on or before the 25th day of *March*, which will be in the year one thousand seven hundred and ninety-nine.

Corporations and persons in possession shall be preferred to those in reversion, till Dec. 25, 1798, and those in reversion shall be preferred to all having no interest in the land, till March 25, 1799.

XIII. Provided always, and be it further enacted, that all such bodies politic and corporate, and companies, and all persons who shall be in the actual possession of or immediately entitled to the rents and profits of any such manors, messuages, lands, tenements, or hereditaments as aforesaid, whereon any land tax hereby made saleable shall be charged, (other than and except tenants at rack rent for any terms of years, or from year to year, or at will, and except tenants holding under the crown any lands or tenements within the survey and receipt of the exchequer or the duchy of *Lancaster*, or under the duke of *Cornwall* any lands or tenements belonging to and parcel of the duchy of *Cornwall*, for any term of years, or from year to year, or at will,) and such committees, curators, tutors, guardians, or trustees as aforesaid, on the behalf of the persons to whom they are such committees, curators, tutors, guardians, or trustees, shall be preferred in the purchase of such land tax, or any part thereof, to any bodies, corporations, or companies, or persons having any estate or interest in remainder, reversion, or expectancy, or being substitute heirs of entail, in the same manors, messuages, lands, tenements, or hereditaments: provided such bodies corporate, or companies, and persons so to be preferred, shall offer to contract for the redemption of such land tax on or before the twenty-fifth day of *December* one thousand seven hundred and ninety-eight; and in case no contract shall be entered into, by or in the behalf of the bodies, corporations, or companies, or persons so in possession, or immediately entitled as aforesaid, for the redemption of the said land tax, on or before the said twenty-fifth day of *December* one thousand seven hundred and ninety-eight, then the bodies, corporations, or companies, or the person or persons having such estates and interests in remainder, reversion, or expectancy, or the substitute heirs of entail called to succeed in the said manors, messuages, lands, tenements, or hereditaments, or their respective committees, curators, tutors, guardians, or trustees, on their behalf, shall be entitled to redeem such land tax, or any part thereof, in preference to any other person or persons having no estate or interest therein, and not being called to succeed therein as substitute heirs of entail, according to the priority of such respective estates or interests, such priority to be settled by the said commissioners, in case the parties shall differ about the same: provided always, that no such bodies politic or corporate, or companies, or persons in remainder, reversion, or expectancy, or substitute heirs of entail as aforesaid, shall be entitled

to such benefit or preference as last mentioned, unless a contract for the redemption of such land tax shall be entered into by or on the behalf of him, her, or them, on or before the said twenty-fifth day of *March* one thousand seven hundred and ninety-nine.

XIV. And be it further enacted, that where any such manors, messuages, lands, tenements, or hereditaments as aforesaid, shall be leased or demised at a rack rent for any term or number of years, or at will, the person or persons, bodies, corporations, or companies, beneficially entitled to the rent reserved or made payable on any such lease or demise, shall (notwithstanding any covenant or agreement for the payment of the land tax charged on such manors, messuages, lands, tenements, or hereditaments, by the tenant or lessee thereof) be considered as being in the actual possession of such manors, messuages, lands, tenements, or hereditaments, for the purpose of claiming and being entitled to such benefit of preference as aforesaid; and where any such tenant or lessee shall be bound by agreement to pay such land tax during the continuance of any such demise, and the contract for such land tax shall be entered into by or on the behalf of the person or persons, bodies, corporations, or companies, so beneficially entitled, the amount of the land tax so purchased shall, during the continuance of such lease or demise, be considered as rent reserved or made payable on such lease or demise, and the same powers shall be had, used, or enjoyed, for the recovery thereof, as for the recovery of such rent when in arrear.

XV. And be it further enacted, that it shall be lawful for all and every persons and person, bodies, corporations, or companies, who shall, under and by virtue of this act, redeem any land tax charged upon any manors, messuages, lands, tenements, or hereditaments, that shall, at the time of such redemption, be charged with or subject to the payment of any fee farm, feu duty, or other annual rent, for which he, she, or they would, upon payment of the land tax, be entitled to abate and deduct a just proportion of rate under the act of this present session of parliament, to continue to abate and deduct a just proportion, from time to time, upon every payment of such fee farm, feu duty, or other annual rent, as if such land tax had not been redeemed.

XVI. Provided always, and be it further enacted, that in case any difficulty shall arise in the sale of the land tax which ought to be charged on any tithes, or any fee farm rent, feu duty, or other rent, or any lands, tenements, or hereditaments, because such tithes, or such rents, feu duty, lands, tenements, or hereditaments, have not been assessed, or not distinctly assessed to the land tax, or because the land tax has been by the several acts imposing the same directed to be deducted out of such rents, by the owners or occupiers of the lands charged with such rents, it shall be lawful for the persons, bodies politic or corporate, entitled to such tithes, rents, lands, tenements, and hereditaments, to apply to the commissioners of land tax or supply, to settle and adjust the proportion of land tax which ought to be borne and paid by such persons, bodies politic or corporate respectively, on account of such tithes, rents, lands, tenements, or hereditaments which have not been assessed, or not distinctly assessed as aforesaid, and thereupon it shall be lawful for such per-

Persons beneficially entitled to rents of lands, &c. let at rack rents, shall be considered as actual possessors, and preferred accordingly.

Where land tax is payable by tenant and redeemed by landlord, it shall be added to the rent, and recoverable as such.

Where lands are charged with fee farm rents, &c. out of which a proportion of the land tax may now be deducted by the owner of the land, such deduction may continue to be made by him after his redemption of his land tax.

Where tithes, fee farm rents, &c. have not been distinctly assessed to the land tax, the commissioners of land tax may adjust the proportions to be paid by the owners of such tithes, &c. and which they shall be preferably entitled to redeem.

sons, bodies politic and corporate respectively, to claim the like benefit of preference for redemption of such land tax, and to contract for the purchase thereof, and to do all acts necessary for the purpose of carrying such contract into execution, in the same manner as if such tithes, rents, lands, tenements, or hereditaments, had been distinctly assessed to the land tax.

Persons claiming benefit of preference, shall produce a description of their lands charged, containing the particulars thereof, to the land tax commissioners, who shall settle and certify the amount of the land tax thereon (see schedule A):

on the production of which certificate to the commissioners under this act, they may examine and amend the same if requisite, and make and certify a contract for the redemption of such land tax (see schedule B): on the production of this contract and certificate at the bank, and transferring the 3 per cent. stock, agreed for, or the first instalment thereof, to the commissioners for

XVII. And be it further enacted, that all and every persons and person, bodies, corporations, or companies, claiming on their own behalf, or on the behalf of others, the benefit of preference herein mentioned, shall produce to any two commissioners of land tax acting in and for the hundred, ward, lathe, wapentake, rape, or other division of the county, riding, city, borough, cinque port, town, or place in *England*, or if in *Scotland* to any two commissioners of supply of the county or stewartry, or chief magistrate of the city or borough, within which any manors, messuages, lands, tenements, or hereditaments charged with land tax proposed to be redeemed are situate, a schedule or description in writing of all and every the manors, messuages, lands, tenements, or hereditaments charged with such land tax, which schedule shall contain the respective natures and quantities, or reputed quantities, of the premises, and the name or names of the occupier or occupiers thereof; and the said commissioners of land tax or supply, or chief magistrate respectively, shall ascertain, settle, and adjust the amount of the land tax charged upon the respective manors, messuages, lands, tenements, or hereditaments contained in such schedule, distinguishing according to the form and method in the schedule to this act annexed, marked (A), the parish or place, parishes or places, within which, and the manors, messuages, lands, tenements, or hereditaments, upon which each separate assessment of land tax shall be charged, and the district or division within which such land tax shall be charged, and shall grant a certificate thereof to the person or persons, bodies, corporations, or companies applying for the same; and on the production of the said certificate to the commissioners specially appointed for the purposes of this act, for the county, riding, stewartry, city, borough, cinque port, town, or place, within which such manors, messuages, lands, tenements, or hereditaments are respectively situate, the said last mentioned commissioners are hereby authorised and required to examine such certificate, and amend the same, if necessary, according to the assessment of land tax, and thereupon to contract and agree with the person or persons, bodies, corporations, or companies, applying for the redemption of such land tax, according to the directions of this act, and in the form set forth in the schedule to this act annexed, marked (B); and upon the production, at the bank of *England*, of such contract and certificate, and upon the transfer to the commissioners for the reduction of the national debt, of so much stock in the three pounds *per centum* bank annuities before-mentioned, or either of them, as will yield an annuity or dividend exceeding the amount of the land tax so to be redeemed or purchased, by one tenth part thereof, or of such proportion of such stock as shall have been contracted and agreed to be transferred as the first instalment thereof, (being not less than one sixteenth of the whole amount of the capital stock to be transferred on account of the redemption or

purchase of such land tax), every such person, body, corporation, or company, shall be entitled to have a certificate or receipt from the cashier or cashiers of the governor and company of the bank of *England*, acknowledging such transfer, which certificate or receipt the said cashier or cashiers is or are hereby required to give, and the same may either be endorsed on such contract, in the form prescribed in the schedule to this act annexed, marked (C), or be distinct therefrom, as the governor and company of the bank of *England* shall judge expedient, or in such other form as the said governor and company shall devise, which certificate or receipt shall be an acquittance and discharge to the person or persons, bodies, corporations, or companies aforesaid, transferring such stock as aforesaid; and upon the registry or entry of such certificates, contracts, and receipts, with his majesty's commissioners for the affairs of taxes, the said manors, messuages, lands, tenements, and hereditaments, comprised in such contract, shall thenceforth be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof; unless the person or persons, bodies, corporations, or companies, contracting for such land tax, shall, at the time of entering into the contract for the same, declare to the commissioners, with whom such contract shall be entered into, his, her, or their option to be considered on the same footing as a person not interested in the said manors, messuages, lands, tenements, or hereditaments, purchasing the land tax charged thereon, is by this act considered; in which case, and upon such option and declaration so made being inserted in the contract, the person or persons, bodies, corporations, or companies, so contracting, his, her, or their executors, administrators, or assigns, shall be entitled and subject to such and the like benefits, advantages, conditions, and restrictions, as persons not interested as aforesaid would be entitled and subject to on their becoming the purchasers of such land tax under this act, after the said twenty-fifth day of *March* one thousand seven hundred and ninety-nine.

reducing the national debt, the cashiers of the bank shall give a receipt, (schedule C):

on the registry or entry of this receipt with the commissioners for taxes the lands shall be exonerated from the land tax; unless the person contracting has declared his option to be considered on the footing of a third person purchasing the land tax, in which case he shall be entitled to the same benefits, and subject to the same restrictions as such third person. (See secs. 37, 72, 77, &c.)

XVIII. And be it further enacted, that when any land tax shall have been contracted for, under any such benefit of preference as aforesaid, by or on the behalf of any person or persons, bodies, corporations, or companies aforesaid, not having the absolute estate or interest in fee simple therein, then and in every such case the person or persons, bodies, corporations, or companies, having or being beneficially entitled to any estate or interest in succession, remainder, reversion, or expectancy, or being substitute heirs of entail, entitled to succeed in their order, in the manors, messuages, lands, tenements, or hereditaments, the land tax whereof shall have been so contracted for, shall, at any time or times after such estate or interest shall vest in possession, by reason of the determination of the preceding estate or interest, or by the estate devolving upon the substitute heir of entail, be entitled, and he, she, and they is and are hereby authorized and empowered to demand from the original contractors for such land tax, their executors, administrators, or assigns, an assignment of his, her, or their interest in such contract, or such part thereof as shall then be in force, to them, their executors, administrators, or assigns, upon transferring to such original contractors,

If land tax is contracted for under such preference by persons not having the fee simple of the lands, any reversioner, &c. on his estate vesting in possession, shall be entitled to demand from the original contractors, their executors, &c. an assignment, of their interest in such contract upon transferring to them the same quantity of 3 per

cents, as such contractors paid for the redemption of the tax; and so in all cases the reversioner, &c. coming into possession may call for such assignment from the proprietor, who may be compelled to make the same by order of chancery, &c. though an infant, or under any other legal disability: on such assignment the land to be exonerated, unless the assignee declares a like option as the original contractor. (See sec. 17.)

their executors, administrators, or assigns, the like amount of three pounds *per centum* bank annuities in the same stocks respectively as was transferred by such original contractors as the consideration for the redemption of such land tax, or such part thereof as shall then be remaining in the names of the commissioners for the reduction of the national debt in pursuance of this act, which assignment such original contractors, their executors, administrators, or assigns, are hereby required to execute accordingly, and so from time to time every other person, body, corporation, or company, beneficially entitled in remainder, reversion, or expectancy, and every substitute heir of entail called to succeed to the said manors, messuages, lands, tenements, or hereditaments, shall at any time or times after their respective estates and interests shall vest in possession by reason of the determination of the preceding estate, or of the estate devolving upon the substitute heir of entail, in like manner be entitled, and he, she, and they is and are hereby authorized and empowered to demand an assignment from the person or persons, bodies, corporations, or companies, who shall then be the proprietor or proprietors of such land tax, of his, her, or their interest therein, upon transferring to him, her, or them, the like amount of three pounds *per centum* bank annuities as aforesaid, which assignment such proprietor or proprietors is or are hereby required to make and execute accordingly; and in case any proprietor or proprietors hereby required to make any such assignment as aforesaid (being of full age, and competent to make the same) shall refuse so to do, then and in every such case the proprietor or proprietors so refusing shall and may be compelled, by an order of the high court of chancery in *England*, or court of session in *Scotland*, or the court of exchequer in *England* or *Scotland* respectively, (to be made upon hearing all parties concerned, on the petition of the party hereby authorized to demand the same), to make such assignment as aforesaid, and such court shall have power to award costs to either party, if upon the circumstances it shall think fit so to do; and it shall be lawful for any such proprietor or proprietors hereby required to make any such assignment as aforesaid, who at the time the same shall be demanded shall be under the age of twenty-one years, or be under any other legal disability or incapacity, by the direction of the said court of chancery, session, or exchequer, respectively, signified by an order to be obtained as aforesaid, to make such assignment, which shall be as good and effectual in law, to all intents and purposes whatsoever, as if he, she, or they were of the full age of twenty-one years, and free from any legal disability or incapacity; any law, custom, or usage to the contrary thereof in anywise notwithstanding: provided always, that upon every such assignment, the manors, messuages, lands, tenements, and hereditaments, whereon the land tax so assigned shall have been charged, shall from thenceforth be freed and exonerated from such land tax, unless the assignee or assignees thereof shall cause the like option to be inserted in the assignment, which is hereinbefore directed to be inserted in the original contract, in cases where such option shall have been declared by the original contractor.

For the purpose of redeeming the

XIX. And be it further enacted, that for the purpose of redeeming the land tax charged on any manors, messuages, lands, tenements,

or hereditaments, it shall be lawful for all bodies politic or corporate, and companies aforesaid, and all trustees for charitable and other public purposes, being in the actual possession, or entitled beneficially to the rents and profits of such manors, messuages, lands, tenements, or hereditaments, under the restrictions and regulations hereinafter mentioned, to sell such part or parts of such manors, messuages, lands, tenements, or hereditaments, as shall be eligible and necessary, for the purpose of redeeming or purchasing such land tax; and, by indenture or indentures duly sealed and delivered, and enrolled for estates in *England* within six calendar months after the execution thereof in any of his majesty's courts of record at *Westminster*, or in the courts of the counties palatine of *Chester*, *Lancaster*, or *Durham*, or in the courts of great session in *Wales*, as the case shall require, or registered in the counties of *Middlesex* and *York* in the manner required by law for conveyances of real estates situated in those counties respectively, and by proper deeds or other conveyances, to be executed and registered in the manner required by the law of *Scotland* for estates in *Scotland*, absolutely to convey the same, freed and discharged from land tax, unto any person or persons whomsoever; or to charge a sufficient part of the said manors, messuages, lands, tenements, or hereditaments, with such sum or sums of money as shall be sufficient to redeem or purchase the land tax charged on the whole of the said manors, messuages, lands, tenements, or hereditaments, and for securing the repayment of such sum or sums of money, with interest, by like indenture or indentures enrolled or registered as aforesaid, to convey, surrender, or demise, by way of mortgage or other real security, such part of the said manors, messuages, lands, tenements, and hereditaments, freed and discharged from land tax, as shall be a sufficient security for that purpose, to any person or persons who shall advance or lend such sum or sums of money upon the security thereof, his, her, or their heirs, executors, administrators, or assigns, either in fee simple, or for any term or number of years: or, by like indenture or indentures enrolled or registered as aforesaid, to grant, limit, or appoint any yearly sum or sums of money by way of a perpetual rent charge, not exceeding the amount of the land tax charged upon the said manors, messuages, lands, tenements, or hereditaments, to be issuing out of, and charged and chargeable upon such manors, messuages, lands, tenements, or hereditaments: provided always, that nothing hereinbefore contained shall be construed to extend to authorize any sale, conveyance, or mortgage or grant of any rent charge by any archbishop or bishop, without the confirmation of the dean and chapter, or by any parson, vicar, or other person having any spiritual or ecclesiastical living or benefice, without the consent of the ordinary, and also of the patron, if adult, and within the realm; or by any curate of any perpetual curacy, without the consent of the person having the power of appointment to such curacy; or by any master or fellows of any college, or by any chapter of any cathedral or collegiate church, master or guardian of any hospital, or any spiritual or ecclesiastical person or persons whatever, without such consent as by law was required for that purpose before the making of any statute or statutes for restraining the sales, conveyances, mortgages, or grants of such persons,

land tax, corporations and trustees for public purposes enabled to sell part of the lands charged, and to convey the same to any persons, freed from land tax, by indentures duly enrolled (or registered as the case may require) or to mortgage any part to free the whole from land tax; or to grant any rent charge to the amount of the land tax.

Ecclesiastical persons, fellows of colleges, &c. to be subject to the same restraints as at present.

bodies politic or corporate, or any of them, or for disabling such persons, bodies politic or corporate, from making any such sales, conveyances, mortgages, or grants, or any of them.

Persons in actual possession of lands, but not having the absolute interest (except tenants at rack rents, or tenants of crown lands, &c.) and all committees of lunatics, guardians, executors, and private trustees whatsoever, enabled in like manner to sell, mortgage or grant a rent charge for redeeming the land tax.

XX. And be it further enacted, that for the purpose of redeeming or purchasing the land tax charged on any manors, messuages, lands, tenements, or hereditaments, it shall be lawful for all and every persons and person being in the actual possession, or entitled beneficially to the rents and profits thereof, but not having the absolute interest therein, (other than and except tenants at rack rent for any terms of years, or from year to year, or at will, and tenants holding under the crown any lands or tenements within the survey and receipt of the exchequer, or the duchy of *Lancaster*, or under the duke of *Cornwall* any lands or tenements belonging to and parcel of the duchy of *Cornwall*), and also for all committees and curators of lunatics or of idiots, and tutors or guardians of infants, seized or possessed of any such manors, messuages, lands, tenements, or hereditaments, and for all executors and administrators, curators or trustees whatsoever, seized or possessed of any such manors, messuages, lands, tenements, or hereditaments, who have authority to act for infants, minors, issue unborn, femmes covert, or other incapacitated persons, or persons incapacitated by law or deed to act for themselves, under the restrictions and regulations hereinafter mentioned, to sell such part or parts of such manors, messuages, lands, tenements, or hereditaments, as shall be eligible and necessary, for the purpose of redeeming or purchasing such land tax, and, by indenture or indentures duly sealed and delivered, and executed and enrolled, or registered as hereinbefore mentioned, absolutely to convey the same, freed and discharged from land tax, unto any person or persons whomsoever; or to charge a sufficient part of the said manors, messuages, lands, tenements, or hereditaments, with such sum or sums of money as shall be sufficient to redeem or purchase the land tax charged on the whole of the said manors, messuages, lands, tenements, or hereditaments, and for securing the re-payment of such sum or sums of money, with interest, by like indenture or indentures, enrolled or registered as aforesaid, to convey, surrender, or demise, by way of mortgage or other real security, such part of the said manors, messuages, lands, tenements, and hereditaments, freed and discharged from the land tax to be purchased as aforesaid, as shall be a sufficient security for that purpose, to any person or persons who shall advance or lend such sum or sums of money upon the security thereof, his, her, or their heirs, executors, administrators, or assigns, either in fee simple or for any term or number of years; or, by like indenture or indentures enrolled or registered as aforesaid, to grant, limit, or appoint, any yearly sum or sums of money by way of a perpetual rent charge, not exceeding the amount of the land tax charged upon the said manors, messuages, lands, tenements, or hereditaments, to be issuing out of, and charged and chargeable upon such manors, messuages, lands, tenements, or hereditaments: provided always, that no sale, conveyance, mortgage, or grant, which shall be made by virtue and in pursuance of this act, shall be valid and effectual, unless two at least of the commissioners, to be specially appointed for the purposes of this act, in the county, riding, stewartry, city, borough, cinque port, town, or place, where

Two commissioners under this act to be parties to all conveyances for the purposes thereof (but see sec. 21.

the said manors, messuages, lands, tenements, or hereditaments, to be sold, mortgaged, or charged by virtue of this act, shall be situate, shall certify their consent thereto and approbation thereof by signing and sealing the same as parties thereto: provided also, that nothing in this act contained shall be construed to extend to the empowering any heir of entail in possession of any entailed estate in *Scotland*, to sell or dispose of any part of the said estate without application to the court of session by petition, and obtaining the authority of that court to such sale, and to the due application of the money thence arising, as hereinafter directed.

Heir of entail in possession in Scotland, to act only under the authority of the court of session. (See sec. 26.)

XXI. Provided also, and be it further enacted, that in all cases in which the authority of any court is required by this act for any sale, disposition or purchase, warranted by this act, it shall not be necessary also to require the consent of the commissioners appointed for the purposes of this act, to authorize such sale, disposition, or purchase.

When the authority of a court is required, commissioners need not be parties.

XXII. And be it further enacted, that it shall be lawful for any person who shall be seized in fee tail of any manors, messuages, lands, tenements, or hereditaments, in *England*, to convey such part or parts thereof as shall be deemed eligible and necessary to be sold for the purpose of redeeming or purchasing the land tax charged on such manors, messuages, lands, tenements, or hereditaments, by deed duly sealed and delivered, and acknowledged and enrolled in any of his majesty's courts of record at *Westminster*, or in the courts of the counties palatine of *Chester*, *Lancaster*, or *Durham*, or in the courts of great session in *Wales*, or registered in the counties of *Middlesex*, or *York*, as the case shall require; and such deed being duly executed and enrolled, or registered as aforesaid, shall as effectually and absolutely bar all estates tail, and other estates in possession, reversion, remainder, or expectancy, in the hereditaments so conveyed, as if such tenant in tail had levied a fine, or suffered a common recovery thereof in due form of law.

Tenants in tail may convey for the purpose of such redemption, by deed enrolled or registered, without fine or recovery.

XXIII. And be it further enacted, that every sale, mortgage, or grant of any rent charge, which shall be made by virtue of this act, shall, after the same shall be enrolled or registered as aforesaid, and after the payment of the purchase or mortgage money into the bank of *England*, in the manner hereinafter directed, be good, valid, and effectual in the law, to all intents and purposes whatsoever; and the respective persons to whom any rent charges shall be granted, by virtue of this act, shall have and be entitled to use and take the same powers, remedies, benefits, and advantages, for the recovery thereof, as landlords by law have or are entitled to use and take for the recovery of rents reserved on common leases or demises.

After enrolling and registering conveyance, and payment of money into the bank, the sale, &c. to be valid to all intents. Grantees of rent charges entitled to all the remedies of landlords.

XXIV. Provided always, and be it further enacted, that every sale of any manors, messuages, lands, tenements, or hereditaments, to be made for the purpose of purchasing land tax under this act, shall be by public auction before two or more of the commissioners specially to be appointed for the purposes thereof, or some person or persons appointed by them for that purpose, and such commissioners shall cause notice to be published in some newspaper usually circulated in the county, riding, stewartry, or place, where such property intended to be sold shall be situate, of such sale, at least ten days before the same shall take place.

All such sales to be by public auction before two commissioners, who shall give ten days' notice thereof.



Tenants for lives or years where a fine was paid, not to sell without consent of the reversioner.

XXV. Provided always, and be it further enacted, that nothing herein contained shall be construed to extend to enable any tenant for lives, or for years determinable on lives, or for years absolute, though not at rack rent, to sell any part of the tenement demised, in any case of a demise for which any fine or premium was paid, without the consent of the person or persons, bodies politic or corporate, entitled to the immediate estate in reversion upon such demise.

Previous to any sale, mortgage, or grant under this act, a schedule shall be produced to the commissioners by the seller, &c. stating the particulars of his interest, and that of all reversioners and mortgagees.

XXIX. Provided always, and be it further enacted, that before any sale, mortgage, or grant as aforesaid shall be made by virtue of this act, the person or persons desirous of making the same shall produce to the commissioners specially to be appointed for the purposes of this act, in the county, riding, stewartry, or place, where the manors, messuages, lands, tenements, and hereditaments, intended to be sold, mortgaged, or charged, are situate, a schedule in writing, declaring the quantity or duration of the estate or estates which he, she, or they shall have in the manors, messuages, lands, tenements, or hereditaments, whereon the land tax proposed to be redeemed shall be charged; and if the same shall not be an estate of inheritance, then the name or names of the person or persons, bodies, corporations, or companies next entitled to any beneficial interest in such manors, messuages, lands, tenements, or hereditaments, expectant on the determination of the immediate estate or interest therein, and if such manors, messuage, lands, tenements, or hereditaments shall be subject to any mortgage, charge, lien, or incumbrance, then the name or names of the person or persons, bodies, corporations, or companies, having such mortgage, charge, lien, or incumbrance, and the amount thereof, and (if more than one) the priorities of the respective incumbrances.

Money shall be paid by purchasers, &c. under this act, into the bank, to the account of commissioners for reducing the national debt, who shall invest the same in 3 per cents.; the cashier's receipt shall discharge the purchasers; and the persons whose land tax shall be so redeemed, shall stand in the same situation as if they had transferred 3 per cents. No more money shall be raised, or lands sold, than the commission-

XXX. And be it further enacted, that all and every sum and sums of money to arise by virtue of any sale, mortgage, or grant, to be made in pursuance of this act, shall be paid by the respective purchasers, mortgagees, or grantees, into the bank of *England*, to be there placed to the account of the commissioners for the reduction of the national debt, under the title "an account of the sale of the 'land tax,'" who shall keep distinct accounts thereof, and invest the same in the purchase of three pounds *per centum* bank annuities, according to the directions of this act; and the receipt of the cashiers of the bank or any one of them, shall be a full and sufficient discharge to the several purchasers, mortgagees, or grantees, paying in such monies as aforesaid; and the person or persons, bodies corporations, or companies, whose land tax shall have been redeemed therewith, shall be entitled to have and receive the same certificates and discharges, and his, her, or their estate shall be exonerated and discharged from such land tax in the same manner, in all respects, as if the quantity of three pounds *per centum* bank annuities, to be purchased with such monies, had been actually transferred by him, her, or them to the said commissioners, as the consideration for the redemption of such land tax: provided always, that no more money shall be raised by way of mortgage, or by grant of any rent charge, than what shall appear to the said commissioners for the purposes of this act, to be sufficient to purchase the amount of bank annuities

to be transferred as the consideration for the redemption of such land tax: provided also, that no other or greater quantity of estate shall be sold, than what shall appear to the said commissioners eligible and necessary to be sold for the purposes aforesaid: provided also, that the said commissioners shall not certify their consent to, or approbation of, any such sale as aforesaid, without having an estimate in writing, upon oath or solemn affirmation, of the value of such part of the estate as shall be proposed to be sold, and that the sale thereof will not materially injure the residue of the estate remaining unsold, and that the part so proposed to be sold is proper (considering all circumstances) to be sold for the purposes aforesaid.

XXXI. Provided always, and be it enacted, that it shall be lawful for any person or persons interested in remainder, reversion, or expectancy, in any estate in *England*, any part of which shall be proposed to be sold or mortgaged under the authority of this act, or for the guardians, committees, or trustees, of any such person or persons who shall be aggrieved by such intended sale or mortgage, or conceive themselves so to be, at any time before such estate shall have been actually conveyed by way of sale or mortgage, to present a petition to the high court of chancery, which court shall have power in a summary way to make such order respecting the suspension of or proceeding in such sale or mortgage, or for the sale or mortgage of any other part of the estate in question, as well as for the payment of any costs occasioned by such petition, as such court shall think fit.

XXXII. And be it further enacted, that wherever, by reason of any fluctuation in the price of the said bank annuities, or that the precise quantity of estate necessary to be sold for the purposes aforesaid cannot be set apart to be so sold, there shall be any surplus of stock purchased with the money arising by any sale, mortgage, or grant, to be made under or by virtue of this act, after reserving so much of the three pounds *per centum* bank annuities as shall be agreed to be transferred as the consideration for such land tax, the said surplus stock shall, where such manors, messuages, lands, tenements, or hereditaments so sold, mortgaged, or charged, are situated in *England*, be placed in the books of the bank of *England*, in the name and with the privity of the accountant general of the court of chancery, to the intent that the same may be applied in the manner hereinafter mentioned; (that is to say), to the intent that such surplus stock may at a convenient time be sold, and the money arising therefrom applied, under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way, in the discharge of any debt or debts, or part thereof, affecting the manors, messuages, lands, tenements, or hereditaments, the land tax charged whereon shall have been so redeemed, or where the same shall not be so applied, then the same shall be laid out and invested, under the like direction and approbation of the said court, in the purchase of other manors, messuages, lands, tenements, and hereditaments, which shall be conveyed and settled to, for, and upon, such and the like uses, trusts, intents, and purposes, and in the same manner as the manors, messuages, lands, tenements, and hereditaments, which shall be so sold, mortgaged, or

ers shall think necessary, on an estimate upon oath of the value, and that the estate will not be materially injured.

Reversions of estates in England, or their guardians, &c. may petition chancery against such sales or mortgage.

If on such sale, &c. there shall be any surplus of stock after transferring sufficient to redeem the land tax, such surplus (from lands in England) shall be invested in the bank in the accountant general's name, and applied under order of chancery in payment of debts affecting the seller's estate, or in the purchase of other lands, to be settled as the lands sold were; the dividends meanwhile to be paid to the person entitled to the lands; or such surplus may be laid out in the

purchase of land tax, which shall then be considered as real estate.

charged, as aforesaid, stood settled and limited, or such of them as at the time of making such conveyance and settlement shall be existing, undetermined, and capable of taking effect, and in the mean time the dividends and annual produce of such surplus stock shall from time to time go and belong to the person or persons who would, for the time being, have been entitled to the rents and profits of the said manors, messuages, lands, tenements, and hereditaments, in case such last mentioned purchase and settlement were made; or to the intent that such surplus stock may be transferred to the commissioners for the reduction of the national debt, under the direction and with the approbation of the said court of chancery, to be signified in manner aforesaid, for the purchase of any land tax charged on any manors, messuages, lands, tenements, or hereditaments, situate in any part of *Great Britain*; and such land tax, when so purchased, shall be deemed to be of the nature of real estate, and shall go and be applied in the same manner as the estate sold would have gone and been applied, if the same had not been so sold.

In Scotland such surplus stock shall be placed in one of the public banks subject to the order of the court of session, who may apply the same in payment of debts; or the purchase of other lands or land tax; and mean time place the same out at interest for the benefit of the person entitled to the lands.

XXXIII. Provided always, and be it further enacted, that where such manors, messuages, lands, tenements, and hereditaments so sold, mortgaged, or charged, are situated in *Scotland*, such surplus stock may be sold, and the money arising therefrom be paid into or placed in one or other of the two public banks of *Scotland*, with the previous authority of the court of session, the judges of which court are hereby empowered and required, upon summary petition to be presented to them by or on the behalf of the proprietor or heir in possession for the time, to direct and order that the said surplus money or balance shall be laid out and employed as soon as conveniently may be, under the direction and with the approbation of the said court, either in the payment of debts affecting the said entailed estate, or in the purchase of other lands, tenements, or hereditaments, or of any land tax, which respectively shall be limited and settled to the same persons and uses, and under the same clauses and conditions as the said manors, messuages, lands, tenements, and hereditaments, which shall be so sold, mortgaged, or charged as aforesaid, stood settled and limited; and in the mean time, till the said surplus money or balance shall be so employed, to order and direct the money to be laid out upon such security as to the court shall seem proper, upon interest, and to direct such clauses to be inserted in the bond or other security to be taken for the money, as shall be effectual to secure the person or persons who would for the time being have been entitled to the rents and profits of the said manors, messuages, lands, tenements, and hereditaments, in case such sale, mortgage, or grant, had not been made, and the succeeding heirs of entail who shall successively come to the possession of the same, the enjoyment of the interest of the said money, and to preserve the capital until the money shall be employed as aforesaid.

If the surplus does not exceed £300 stock, it may be transferred to a trustee without interference of the courts.

XXXIV. Provided always, and be it further enacted, that if such surplus as aforesaid shall not exceed the amount of two hundred pounds principal stock, the same shall be transferred to a trustee to be named by the person or persons, bodies, corporations, or companies redeeming such land tax, in order that the same may be applied in any manner hereinbefore directed, without obtaining or

being required to obtain the direction or approbation of the court of chancery or court of session as aforesaid.

XXXV. Provided always, and be it further enacted, that all and every person or persons, body, corporation, or company, having any mortgage, charge, lien, or incumbrance on any manors, messuages, lands, tenements, or hereditaments, which shall be mortgaged, or out of which any rent charge shall be granted by virtue of this act, shall have and be entitled to all such remedies, privileges, and advantages, both at law and in equity, as he, she, or they would have had or been entitled to in case this act had not been passed, or no mortgage or grant had been made under or by virtue thereof; and the person or persons lending any money for the purposes of this act shall not have priority of security on the said manors, messuages, lands, or hereditaments, by force and virtue of this act, over any such prior mortgage, charge, lien, or incumbrance, in respect of the principal money lent for the purposes of this act, but in respect of the interest thereof only: provided also, that all persons, bodies, corporations, or companies, having any prior mortgages, charges, liens, or incumbrances on such manors, messuages, lands, tenements, or hereditaments, shall be entitled, according to their respective priorities, to advance the money required for the redemption of such land tax in preference to all other persons.

XXXVI. And be it further enacted, that no person or persons, bodies, corporations, or companies, entitled in remainder, reversion, or expectancy to, or having any future interest in any manors, messuages, lands, tenements, or hereditaments, which shall be so conveyed, surrendered, or demised by way of mortgage, or whereout any such rent charge or rent charges as aforesaid shall be granted and made payable, in pursuance of this act, shall be liable, upon his, her, or their coming into the possession of, or being beneficially entitled to such manors, messuages, lands, tenements, or hereditaments, to the payment of arrears of interest on any sum or sums of money secured by mortgage as aforesaid, or of arrears of any rent charge for more than twelve calendar months preceding the time that the title to such possession shall have accrued.

XXXVII. And be it further enacted, that where any person or persons having such benefit of preference as hereinbefore mentioned, and who shall not be seized of or entitled to any estate of inheritance in the manors, messuages, lands, tenements, and hereditaments, whereon any land tax shall be charged, shall redeem such land tax by and out of his, her, or their own estate, and shall, at the time of entering into the contract for the redemption thereof, have declared his, her, or their option to be considered on the footing of a purchaser or purchasers as aforesaid, such person or persons, his, her, or their executors, administrators, or assigns, shall have, hold, and enjoy the land tax so redeemed by him, her, or them, as an annuity issuing out of such manors, messuages, lands, tenements, and hereditaments (subject to such right and power of redemption thereof as hereinbefore is given to the person or persons beneficially entitled to the next estate or interest in reversion, remainder or expectancy, as and when such estate or interest shall vest in possession); and when any such person or persons as aforesaid shall not, at the time

Mortgagees, &c. under this act not to have priority over former mortgages of estates, except for interest of mortgage; and such former mortgagees to have the preference of advancing money to redeem the land tax.

No reversioner, on coming into possession to be liable to the payment of more than one year's interest, &c. in arrear.

Any person having benefit of preference, and not an estate of inheritance, redeeming the land tax out of his own estate, and declaring his option to be considered as a purchaser, shall hold the land tax redeemed as an annuity issuing out of the lands, (subject to the reversioner's right of redemption under sec. 18); but

if the lands are exonerated from the tax, the purchaser will be entitled to the amount of the 3 per cents. transferred as the consideration, with interest equal to the land tax redeemed; but reversionsers shall be liable to the payment of such interest only from the time of their coming into possession.

of entering into the contract for the redemption of such land tax, have declared his, her, or their option as aforesaid, whereby such manors, messuages, lands, tenements, or hereditaments, whereon the land tax shall have been charged, will by virtue of this act be exonerated therefrom, such manors, messuages, lands, tenements, or hereditaments shall be and become chargeable for the benefit of such person or persons, his, her, or their executors, administrators, or assigns, with the amount of the three pounds *per centum* bank annuities, which shall have been transferred as the consideration for the redemption of the said land tax, and with the payment of such yearly sum or sums of money, by way of interest thereon, as shall be equal to the amount of the land tax redeemed: provided always, that no person or persons in remainder, reversion, or expectancy, or having any future interest as aforesaid, who shall afterwards, in order of succession, come into the actual possession, or be beneficially entitled to the rents and profits of such manors, messuages, lands, tenements, or hereditaments, shall be liable to the payment of any such annuity, or of any yearly sum or sums of money by way of interest as aforesaid, save only from the time he, she, or they shall come into possession, or be beneficially entitled as aforesaid.

No lands shall be sold or mortgaged for the purposes of this act, without one month's notice to the commissioners; nor if the person entitled to the first or next beneficial estate, or his guardian, &c. shall, on one month's notice, (which in every case must be given him), advance the money necessary; in which case they shall be considered as preferably entitled.

XXXVIII. Provided always, and be it further enacted, that no manors, messuages, lands, tenements, or hereditaments, shall be sold or mortgaged, nor any rent charge granted, in pursuance of the powers and authorities given by this act, without one calendar month's previous notice in writing given to the said commissioners specially to be appointed for the purposes of this act, by the person or persons desirous of making such sale, mortgage, or grant, nor if the person or persons who shall be beneficially entitled to the first or next beneficial estate in remainder, reversion, or expectancy therein, (if any such shall be), or the guardian or guardians of such person or persons, in case of minority, or committee or committees of his or her estate, in case of lunacy, shall, within one calendar month after notice in writing shall be given to him, her, or them, by the person or persons desirous of making such sale, mortgage, or grant, (which notice such person or persons is and are hereby required to give in every such case), agree to advance the money, which shall be required for the purchase of the stock to be transferred, as the consideration for the redemption of the land tax charged on such manors, messuages, lands, tenements, or hereditaments, and which money such guardian or guardians, committee or committees, is or are hereby authorized or empowered to advance for that purpose; and in every such case the contract shall be made in the name of, or assigned to the person or persons by whom or on whose behalf such money shall be advanced, who shall be bound to complete the same, and have and enjoy all benefits and advantages arising therefrom, in the same manner as if such person or persons had been originally entitled to such benefit of preference as aforesaid: provided always, that nothing herein contained shall extend to prevent any person or persons, hereby required to give such notice to the said commissioners as aforesaid, who shall be the guardian or guardians of such infant, or committee or committees of such lunatic person or persons in remainder, reversion, or expectancy, from making any such sale,

Guardians of infants in remainder, &c. may sell as if infants had been of full age, and had refused to advance

mortgage or grant of any rent charge, in the same manner as if such infant person or persons had been of full age, and had refused to advance such money as aforesaid.

the money  
on notice.

XXXIX. Provided always, and be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments, shall be settled or limited to or for any particular uses, trusts, intents, or purposes, and any other property shall be subject to any trust to be laid out or invested in the purchase of other manors, messuages, lands, tenements, or hereditaments, to be settled to or for the same uses, trusts, intents, or purposes, or to be applied in the payment of any debts or charge affecting the same, then and in every such case it shall be lawful to apply such other property in the redemption of the land tax charged upon such settled manors, messuages, lands, tenements, and hereditaments, with such consent as shall be necessary for the purpose of applying such other property in the purchase of any manors, messuages, lands, tenements, or hereditaments, according to the terms of the trust affecting the same, whether such trust shall have been created or directed by any act of parliament, deed, will, or otherwise; and when any such trust property shall be under the direction or control of any court, the same shall be so applied under the order of such court; and such land tax, when all the instalments shall be completed, shall sink and become merged in the same manors, messuages, lands, tenements, or hereditaments, for the benefit of the person or persons for the time being beneficially entitled thereto.

Trust property directed to be laid out in land may be applied in redemption of the land tax on limited lands, and the land tax shall in such case merge in the said lands.

XL. And be it further enacted, that any trust property, which by any act of parliament, or any deed or will, or otherwise, is directed to be applied in the purchase of stock in the public funds or other securities, at the discretion of any trustee or trustees, or curator or curators, or subject to the consent of the person or persons for whose benefit the trust shall be created, or any of them, then and in every such case it shall be lawful to lay out and invest the same in the purchase of any land tax which shall be sold in pursuance of this act, in the same manner in all respects as if such investment had been authorized by the terms of the trust, affecting such property; and if any such trust property shall be subject to any trust to apply the same in the purchase of real estate, to be settled to or for any particular uses, intents, or purposes, it shall be lawful to apply the same in the purchase of any land tax to be purchased in pursuance of this act; and such land tax, when so purchased and conveyed to the uses, and subject to the trusts, and for the intents and purposes to and for which such real estate, if purchased, would have been subject, shall be deemed to be of the nature of real estate, and shall go and be applied in the same manner as real estate, if purchased with the same funds, would have gone and been applied: provided always, that it shall be lawful for all and every person and persons who shall become entitled to any such land tax so purchased and settled as real estate, to bar and destroy any entail thereof, which might have been barred by recovery or fine by deed acknowledged by such person or persons, and enrolled in one of his majesty's courts of record at *Westminster*, or in the courts of the said counties palatine, or the great sessions in *Wales*, as the case shall require, or registered in

Trust property directed to be laid out in the funds, may be invested in the purchase of land tax under this act; as also trust property to be applied in purchase of real estate; in which case the land tax shall be considered as real estate;

but the entail in which may be barred by deed enrolled or registered

the office for registering deeds in the counties of *Middlesex* or *York*, as the case shall require.

Timber may be cut down by persons in possession under order of chancery, &c. and the produce and surplus applied in redemption of land tax, &c. as in cases of real estate, under the direction of the courts; having regard to the rights of all persons interested.

XLII. And be it further enacted, that for the purpose of redeeming or purchasing the land tax charged on any manors, messuages, lands, tenements, or hereditaments subject to any restriction, in the power of the person or persons in possession, or entitled to the rents and profits thereof, to cut down timber standing thereon, it shall be lawful for such person or persons in possession, with the approbation (if in *England*) of the court of chancery, and (if in *Scotland*) of the court of session, upon an application in a summary way, to cut down such quantity of timber as the said courts shall respectively direct, and apply the produce thereof, under the directions of such courts, in the redemption or purchase of the land tax, or any part thereof, charged on any manors, lands, tenements, or hereditaments, whereon the said timber shall be growing, or any manors, messuages, lands, tenements, or hereditaments, subject to the same restriction; and in case there shall be any surplus of money arising by sale of such timber, the same shall be applied in manner hereinbefore directed, with respect to surplus money arising by sale of any manors, messuages, lands, tenements, or hereditaments, hereby authorized to be sold: provided always, nevertheless, that the court by whose direction any such timber shall be sold, shall further direct in what manner the income derived therefrom ought to be applied during so long time as the manors, lands, tenements, or hereditaments, on which such timber shall be growing, shall be in possession of any person or persons having a limited interest or limited interests therein, having regard to the rights of all persons interested therein.

Copyhold or customary estates may be enfranchised for the same purposes.

XLII. And be it further enacted, that it shall be lawful for any body politic or corporate, or company, and for any person or persons seized of any manors in *England*, of which any copyhold or customary estates shall be holden, with the approbation of the court of chancery, to enfranchise any such copyhold or customary estates, and to apply the money arising thereby, under the direction of the said court, in the same manner and under the same restrictions as hereinbefore directed and provided with respect to any timber hereby authorized to be cut down on any manors, lands, tenements, or hereditaments, for the like purpose.

Money may be given or devised for the redemption of the land tax on estates of charities.

XLIII. And be it further enacted, that it shall be lawful for any person or persons by will or otherwise, or any bodies politic or corporate, to give any sum or sums of money for the purpose of applying the same in the redemption or purchase of the land tax charged on any manors, messuages, lands, tenements, or hereditaments settled to any charitable uses, and which may and shall be applied accordingly; any statutes of mortmain, or other statute or law to the contrary notwithstanding.

Parishes entitled to lands settled to charitable uses, may redeem the land tax thereon out of the poor's rate, &c. with the

XLIV. And be it further enacted, that it shall be lawful for any parish or place entitled to the benefit of any lands, tenements, or hereditaments settled to charitable uses, to apply such sum or sums of money as shall be necessary for the redemption of the land tax charged thereon, out of any rate made or to be made on such parish or place for the relief of the poor, in case the rents and profits of such lands shall be applicable for the benefit of the poor, and out of

any church rate, in case the rents and profits shall be applicable to the repairs of any church or chapel, or otherwise out of such parish rate as the circumstances of the particular case shall require: provided always, that no such rate shall be so applied without the approbation of two justices of the peace of the county, riding, division, or place, certified in writing to the commissioners specially to be appointed for the purposes of this act, and upon proof before such justices, on oath or affirmation, of notice having been given during divine service on two *Sundays* at the least in the church or chapel, belonging to such parish or place, or where there shall be no church or chapel, then in the church or chapel of some parish adjoining thereto, of an intention to make such application, and of the time and place of applying for the approbation of such justices.

LXIV. And be it further enacted, that it shall be lawful for the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, to lay out from time to time any sum or sums of money which now are or hereafter shall be applicable by them towards the augmentation of any living or livings, under and by virtue of any act or acts, law or laws, now in force, or of the charter granted in the reign of queen *Anne* for that purpose, in the purchase of so much of three pounds *per centum* bank annuities before mentioned, as may be necessary for the redemption of the land tax charged, or hereafter to be charged, in pursuance of the said act of the present session, upon the lands, tithes, or other profits arising from any living or livings being within the meaning of the said charter, or any act or acts now in force, directing the application of such bounty, and which land tax shall have been contracted for within the time before limited by the incumbent or incumbents of such living or livings, with the consent of the said governors, and from time to time to transfer to the commissioners for the reduction of the national debt such three pounds *per centum* bank annuities, according to such contracts; and such transfer of stock shall, from the quarter day preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings, from the payment of the land tax so redeemed.

LXV. And be it further enacted, that it shall be lawful for the governors and directors of hospitals and other charitable institutions, to apply any legacies or voluntary donations bequeathed or given to or for the benefit of such hospitals and charitable institutions, and which shall not have been directed by the person or persons bequeathing or giving the same to be applied in any particular manner, for or towards the redemption of the land tax charged upon any manors, messuages, lands, tenements, and hereditaments belonging to such hospitals or charitable institutions.

LXVI. And be it further enacted, that in every case where the land tax charged on the messuages, lands, tenements, or hereditaments, of any person, shall not exceed the annual sum of twenty-five shillings, it shall be lawful for any number of such persons whose land tax respectively shall not exceed such sum, being respectively entitled to the benefit of preference as aforesaid, and who shall respectively advance the money required for the purchase of such land tax out of his, her, or their own estate, by any deed or instru-

approbation of two justices, and on public notice in church for two Sundays

Governors of queen Anne's bounty may lay out money in redeeming land tax on livings

Governors of hospitals may apply legacies in redemption of land tax.

Any number of persons whose land tax shall not exceed twenty-five shillings each, may join in appointing a trustee (by deed duly registered)



to redeem their respective land taxes, and such trustee may purchase the whole of such respective land taxes in one contract, producing to the commissioners the deed of trust, and the necessary affidavits as to right of preference, and payment of the money, &c.

Not to authorize sale or mortgage, &c. of lands by persons so joining. Such trust deeds not liable to stamp duty.

Such trustees to assign their portion of land tax to each party (schedule I); and the assignee shall thereby become entitled to the land tax.

ment in writing under their respective hands and seals, (a memorial of which deed shall be registered *gratis* with the proper officer to be appointed as herein is directed), to substitute and appoint any other person or persons to be a trustee or trustees, for the purpose of redeeming the land tax charged upon their respective messuages, lands, tenements, or hereditaments; and such trustee or trustees shall have full power and authority to demand the proper certificates from the commissioners for executing the said act of the present session, of the amount of land tax charged upon the several parties to such deed or instrument, and also, upon obtaining such certificates, to contract and agree, in his or their own name or names, with the commissioners specially to be appointed for the purposes of this act, for the redemption of such land tax, upon the same terms and conditions, and in the same manner, and to do all such other acts necessary for completing such contract, as the persons so substituting him or them could severally and respectively have done by virtue of this act; and the said commissioners are hereby authorized and empowered by one contract, to contract and agree with such trustee or trustees, in his, her, or their own names, for the sale of the whole of such land tax accordingly, and as if the whole of such land tax was charged on the property of such trustee or trustees, without mentioning the proportions thereof: provided always, that such trustee or trustees shall produce and shew to the said commissioners the deed or instrument constituting such trust, and also an affidavit, deposition, or affirmation, of each of the parties to such trust deed or instrument, to be made in the form and manner herein directed, with respect to affidavits, depositions, and affirmations authorized by this act, declaring that the deponent in such affidavit, deposition, or affirmation is entitled by virtue of this act to the benefit of preference granted by this act, by reason of his or her estate in the lands, tenements, or hereditaments, whereon his or her proportion of the land tax, intended to be purchased by such trustee, is charged; and that he or she has advanced, or has agreed to advance, the whole sum required for the purchase of such proportion of land tax to such trustee or trustees out of his or her estate: provided also, that nothing herein contained shall be construed to authorize any sale or mortgage, of any lands, tenements, or hereditaments, or grant of any rent charge to be made by any person or persons joining in such trust deed or instrument as aforesaid, for the purpose of raising the money required for the purchase of such land tax, or any part thereof: provided also, that no deed or instrument, appointing any such trustee or trustees, and registered as aforesaid, shall be liable to any stamp duty whatever.

LXVII. And be it further enacted, that the said trustee or trustees shall, and he or they is or are hereby authorized and empowered, at any time after the purchase of the land tax to be contracted for by him or them shall have been completed, (upon the application of the respective persons by whom he or they shall have been substituted), to assign to such persons respectively their respective proportions of the land tax so purchased, and such assignment shall be in the form specified in the schedule hereunto annexed, marked (I); and memorials of all such assignments shall be registered, and cer-

tificates thereof granted, and duplicates of such certificates delivered to the receiver general in *England*, or collector in *Scotland*, in such manner in all respects as is herein directed,\* in case of assignments of land tax for valuable consideration; and after such assignment, the assignee of the land tax thereby assigned, shall have, hold, and enjoy the same, upon the same terms, and with the same benefits, and advantages, and liable to the same conditions as if the same had been originally redeemed by him or her; and no assignment to be made by any such trustee or trustees as aforesaid, shall be liable to any stamp duty whatever.

\* Sec. 78.

Assignment not liable to be stamped.

LXVIII. And be it further enacted, that as soon after the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, as circumstances will permit, the commissioners appointed for the purposes of this act, or any two or more of them, in every of the said counties, ridings, stewartries, cities, boroughs, cinque ports, towns, and places, where the whole of the land tax hereby made saleable shall not have been contracted for according to the preference hereby given, shall put up to sale, either by public auction or otherwise, as the commissioners of the treasury for the time being shall direct, the whole, or any part or parcel of the land tax so remaining unsold within their respective districts, and it shall be lawful for the commissioners, specially to be appointed for the purposes of this act, or any two or more of them, to contract and agree with any person or persons, bodies, corporations, or companies, for the sale of the land tax so remaining unsold, in such parcels as the said commissioners, with the approbation of the commissioners of his majesty's treasury, shall think fit, such sales to be completed by the purchaser or purchasers, by such rules, methods, and directions as are prescribed with respect to contracts to be entered into by any person or persons entitled to such preference as aforesaid, as far as such rules, methods, or directions are applicable to such sales respectively: provided always, that in every such contract, a clause or proviso shall be inserted for the redemption of such land tax by the person or persons in possession of or beneficially entitled to the manors, messuages, lands, tenements, or hereditaments whereon such land tax shall be charged, or by any person or persons, bodies, corporations, or companies, in remainder, reversion, or expectancy, or having any future interest as aforesaid, at such time and in such manner as is herein directed: \* provided also, that in all such cases all the said manors, messuages, lands, tenements, and hereditaments, whereon the land tax so purchased as last aforesaid shall be charged, situate in the same parish, constablowick, or place, shall, until such redemption shall take place, be subject to a new assessment of the said land tax, from year to year, by an equal rate, according to the annual value of such manors, messuages, lands, tenements, or hereditaments, in common with each other, without any power in the purchaser or purchasers thereof to exonerate the said manors, messuages, lands, tenements, or hereditaments, from the same, or to fix the rate of land tax to be charged thereon, or, if the premises be in *Scotland*, by an assessment according to the rules, and in the manner established by law or custom in regard to the cess or land tax in that country, as hereinafter mentioned.

After March 25, 1799, commissioners may put up to sale such land tax as shall remain unsold in their respective districts.

A clause to be inserted in the contract of sale, for the redemption of the land tax, by persons beneficially interested.

\* See secs. 18, 93. Till such redemption, their lands to be subject to a new assessment of the land tax, by an equal pound rate, without any power in the purchaser to exonerate them from, or to fix the rate of land tax.

If, before March 25, 1799, persons entitled shall give notice to commissioners that they do not mean to claim their respective benefit of preference, commissioners may sell to persons next entitled and finally to persons not entitled to such preference.

The consideration of purchasers by persons not entitled to preference to be so much 3 per cent. stock as will yield a dividend exceeding the amount of the land tax by 1-5th, to be transferred by four instalments within one year; or the whole may be transferred at once, or by larger instalments, at not more than three months' interval.

• Sec. 10.

After March 25, 1799, returns to be made to commissioners of the taxes of the land tax remaining unsold; such returns to be pub-

LXIX. Provided always, and be it further enacted, that if at any time before the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, any person or persons, body, or bodies politic or corporate, entitled to the benefit of preference aforesaid, shall give notice to the commissioners appointed for the purposes of this act, that he, she, or they does not or do not intend to claim the benefit of such preference, it shall be lawful for the said commissioners immediately to treat and contract with the person or persons, body politic or corporate, next entitled to such benefit of preference, and so from time to time as long as any person or persons, body politic or corporate, shall be entitled to such benefit, and shall not have given notice of his, her, or their intention not to claim the benefit thereof; and if all the persons, bodies politic or corporate, so entitled, shall, before the said twenty-fifth day of *March* one thousand seven hundred and ninety-nine, give notice to the said commissioners that they respectively do not intend to claim such benefit, it shall be lawful for the said commissioners to treat and contract with any person or persons not entitled to such preference, in the same manner as the said commissioners might otherwise do after the said twenty-fifth day of *March* one thousand seven hundred and ninety-nine.

LXX. And be it further enacted, that the consideration to be inserted in any such last mentioned contract, shall be the transfer of so much stock at the least in either of the three pounds *per centum* annuities, transferrable at the bank of *England* as aforesaid, unto the commissioners appointed for the reduction of the national debt, as will yield an annuity or dividend exceeding the amount of the land tax so to be purchased as aforesaid, by one fifth part thereof, such transfer to be made within the period of one year from the time of entering into such last mentioned contract, by four instalments of not less than one fourth part of the whole amount of the stock to be so transferred as aforesaid, at intervals of three months from each other, and on the respective days before mentioned; \* the transfer of such stock for the first instalment to be made on such of the said days as shall happen next after the time of entering into such last mentioned contract: provided always, that it shall be lawful for all such person or persons, bodies, corporations, or companies, purchasing any such land tax as aforesaid, to contract and agree with the said commissioners specially to be appointed for the purposes of this act, to transfer the whole of the stock agreed to be transferred, as the consideration for such redemption or purchase at the time hereinbefore prescribed for the transfer of the first instalment thereof, or to transfer such stock in any greater proportions, and in any less number of instalments, than are hereinbefore prescribed, so as that such instalments shall not be made at a greater interval than three months from each other.

LXXI. And be it further enacted, that as soon after the twenty-fifth day of *March* one thousand seven hundred and ninety-nine as conveniently may be, the commissioners for the affairs of taxes for the time being shall cause to be prepared a schedule or description in writing of the amount and proportions of land tax remaining unsold, in all and every the counties, ridings, and places, in that part of *Great Britain* called *England*, and the receiver general for *Scot-*

land shall prepare a like schedule or description for the land tax remaining unsold in *Scotland*, and transmit a duplicate thereof to the said commissioners for the affairs of taxes, which said duplicate shall be deposited in some convenient office for the inspection of any person or persons during office hours, on payment of, to the clerk having the custody thereof, the sum of one shilling and no more for each search; and the said commissioners for taxes shall, with the direction of the commissioners of the treasury, cause the said schedules, or any parts or proportions thereof, to be from time to time published in the newspapers usually circulated in the respective counties, ridings, stewardries, and places, where such proportions of land tax shall be charged, and shall, in such advertisements, give notice of the times and places to be appointed for sale thereof, or any parcel or proportion thereof, in order that all persons desirous of purchasing such land tax may receive the necessary information.

LXXII. And be it further enacted, that all and every persons and person, bodies, corporations, or companies, desirous of purchasing the land tax charged upon any manors, messuages, lands, tenements, or hereditaments aforesaid, shall make out and produce to the commissioners of the land tax acting in and for the hundred, rape, lathe, wapentake, ward, or other division in *England*, (or if in *Scotland*, to any two commissioners of supply of the county or stewardry, or the chief magistrate of the city or burgh), within which such manors, messuages, lands, tenements, or hereditaments are situate, a schedule or description in writing, containing the amount of the land tax he, she, or they is or are desirous of purchasing, and the county, riding, or stewardry, and the parish, constablewick, or place, in which the said land tax is charged; and the said respective commissioners or chief magistrate respectively are hereby required to settle and adjust the amount of the land tax to be purchased, and to ascertain the particular parish, constablewick, or place, in which such land tax is charged, and where the case shall require the same, the particular manors, messuages, lands, tenements, or hereditaments whereon the same is charged, and to grant a certificate thereof in the form in the schedule to this act annexed, marked (A), distinguishing the amount of each separate assessment of land tax; and on the production of the said last mentioned certificate, the commissioners especially appointed for the purposes of this act, within the county, riding, stewardry, city, borough, cinque port, town, or place, within which such manors, messuages, lands, tenements, or hereditaments are situate, may contract and agree for the sale of such land tax, according to the directions of this act, and subject to the power of redemption herein contained; and upon the production at the bank of *England* of such last mentioned contract and certificate, and upon the transfer to the commissioners for the reduction of the national debt, of so much stock in either of the three pounds *per centum* bank annuities before mentioned, as shall be stated in such contract to be the consideration for the purchase of the land tax therein mentioned, or of such proportion of such stock as shall have been agreed upon and settled in such contract to be transferred, as the first instalment, being not less than one fourth part of the whole amount of the stock so to be transferred as the consideration of such purchase, the person or

lished by the said commissioners, under the direction of the treasury, with notice of the intended time and place of sale of such land tax.

Persons desirous of purchasing, shall produce to the respective land tax commissioners, schedules of the land tax which they propose to purchase, which the said commissioners are to adjust, and grant a certificate (schedule A);

on the production of which the commissioners under this act may contract for the sale;

on the production of which contract and certificate at the bank, and transferring the 3 per cents. agreed for, or the first instalment, the cashiers shall give a receipt;

on the registry or entry of which, with the commissioners of taxes, the purchaser shall be entitled to receive the land tax in manner hereinafter directed, subject to redemption by the persons entitled to preference. Sec. 93.

Contracts may be also made by commissioners with the highest bidder at a public auction.

The whole land tax charged on any place shall continue to be certified by the land tax commissioners, so long as any part remains payable to the king, or any purchaser; and such lands as shall not be exonerated shall continue subject to yearly assessments, not exceeding

persons, bodies, corporations, or companies, transferring such stock as last aforesaid, shall be entitled to have a certificate from the cashier or cashiers of the governor and company of the bank of *England* of such transfer being made, which certificate the said cashier or cashiers is or are hereby required to give, and the same may either be endorsed on such contract, in the form prescribed in in the schedule marked (C), to this act annexed, or be distinct therefrom, as the governor and company of the bank of *England* shall judge expedient, or in such other form as the said governor and company shall devise; and upon the registry of such certificate with the commissioners for the affairs of taxes, all and every such persons or person, bodies, corporations, and companies, shall be entitled to demand, have, and receive, for his, her, or their own use, in the manner herein directed, the full amount of the land tax so purchased by him, her, or them as aforesaid, free of all charges and deductions whatever, at the respective times, and in the respective proportions herein directed: provided always, that the land tax so purchased shall be redeemable by the person or persons, bodies, corporations, or companies, respectively entitled to the benefit of preference in respect of their tenure in the said manors, messuages, lands, tenements, or hereditaments, or claiming the same by, through, or under the persons so entitled, at the period hereinafter mentioned for the redemption of the same.

LXXIII. And be it further enacted, that whenever any land tax shall be sold by auction, by virtue of this act, by the commissioners specially to be appointed as aforesaid, a contract or contracts shall be forthwith entered into with the said commissioners by or on the behalf of the highest bidder or bidders at such auction, specifying the amount of the land tax purchased, and the consideration agreed to be paid for the same, and also the county, riding, or stewartry, and the parish or place where such land tax shall be charged, according to the directions of this act; which last mentioned contract or contracts, being produced at the bank of *England*, shall be as effectual to entitle the purchaser or purchasers to proceed to the completion of such sale, as in cases of contracts entered into in the manner before directed.

LXXIV. And be it further enacted, that the whole of the land tax charged on any parish or place shall (notwithstanding the discharge of any part thereof) continue to be inserted in the certificates of assessment to be signed by the commissioners of land tax, so long as any part of the proportion of land tax charged and chargeable in such parish or place shall remain payable in such parish or place either to his majesty, his heirs or successors, or to any purchaser or purchasers thereof in pursuance of this act; and that all such manors, messuages, lands, tenements, or hereditaments, that shall not be exonerated, by virtue of this act, from the land tax, shall continue subject to a new assessment, yearly and from year to year, by an equal rate, according to the annual value of such manors, messuages, lands, tenements, or hereditaments, not exceeding in any year the rate of four shillings in the pound on such annual value; and that such part of the said land tax, which shall remain payable as aforesaid in any parish or place, shall be raised, levied, collected,

and received, in such and the like form and manner, and under such penalties, forfeitures, and disabilities, and according to such rules, methods, and directions, as if the manors, messuages, lands, tenements, or hereditaments, charged with the land tax so remaining payable as aforesaid, formed an entire parish or place, and as are prescribed, directed and appointed, by the act of the present session of parliament, with respect to the quota of each parish and place: provided always, that upon the delivery of the certificates and precepts to the several collectors, for the raising, levying, collecting, and recovering, such part of the said land tax as shall so remain payable in such parish or place, the said collectors shall be directed to return, in their schedule to the receiver general for the county, riding, or place, the amount of the land tax which shall have been redeemed in such parish or place, and from the payment of which such parish or place shall have been exonerated: provided also, that if any such lands, tenements, or hereditaments, are situated in *Scotland*, the same shall continue subject to a new assessment yearly, and from year to year, according to the rates and in the manner established by law or custom in that country.

LXXV. And be it further enacted, that every contract entered into in pursuance of this act for the redemption or sale of any land tax charged as aforesaid, shall, within four calendar months after the making of such contract, and before the time appointed for transferring the quantity of stock to be transferred upon such contract, for the second instalment thereof, be registered with the proper officer at the office to be appointed for that purpose by the said commissioners for the affairs of taxes, which registers shall be made in books to be provided and kept by such officer; and the said officer is hereby required to make out three duplicates on parchment, fairly written, under his hand and seal, of the several amounts of the said land tax so redeemed and exonerated, or so redeemed or purchased as aforesaid, and not exonerated but remaining chargeable, distinguishing the several parishes and places where the same shall have been assessed, and to deliver or cause to be delivered one of such duplicates to the receiver general for the county, riding, or place where such land tax shall have been charged, and one other of such duplicates to the commissioners of land tax acting for the division where the parish or place in which such land tax shall have been charged is situated, and a like duplicate into the office of the king's remembrancer of the exchequer, whenever the same shall be required.

LXXVI. And be it further enacted, that every copy of any register of any contract made in pursuance of this act, or assignment thereof, registered according to the directions of this act, with the proper officer to be appointed for that purpose, which shall be signed by him, shall be allowed in all courts and places, and before all persons, to be good and sufficient evidence of such contract or assignment thereof respectively.

LXXVII. And be it further enacted, that the receiver general or for any county, riding, or place in *England*, and the collector of or for any county, stewartry, burgh, town, or place, in *Scotland*, where any such land tax shall remain chargeable as aforesaid, after

four shillings in the pound; such remaining land tax to be raised as if the lands chargeable formed an entire parish, &c. the collectors to return the amount of the land tax redeemed in each parish.

Contracts for redemption of the land tax to be registered within four months, and before payment of the second instalment, at the office of commissioners for taxes; three duplicates to be made and returned, one to the receiver general of the county, one to commissioners of land tax in their division, and one into the exchequer.

Copies of registers shall be evidence of contracts.

Receiver general, &c. on production of the contract, shall pay the purchaser or

his assigns, the full amount of the land tax purchased, on September 20 and March 16 in every year.

the same shall have been redeemed or purchased as aforesaid, or his deputy or deputies, shall, before such land tax shall become due and payable, that is to say, on the twentieth day of *September*, for the half year ending on the twenty-ninth day of *September*, and on the sixteenth day of *March*, for the half year ending on the twenty-fifth day of *March* in every year, upon demand, and upon production of the contract, whenever the receiver general or his deputy in *England*, or collector in *Scotland*, shall require the same, pay or cause to be paid to the purchaser or purchasers thereof, or the executors, administrators, or assigns, of such purchaser or purchasers respectively, the full amount of the land tax so purchased as aforesaid, free of all charges and deductions whatever, without fee or reward, out of any money in the hands of any such receiver or collector arising from the produce of the land tax, if he shall have so much in his hands, and if such receiver or collector shall not have sufficient money in his hands arising out of the land tax as aforesaid, then out of any other monies in the hands of such receiver or collector arising from any other rates and duties payable to his majesty, his heirs and successors, and receivable and received by him as such receiver or collector as aforesaid: provided, that such monies of any other rates and duties shall be replaced by such receiver or collector out of the first monies that shall be received by him of the land tax arising thereafter in such county, riding, stewardry, city, borough, cinque port, town, or place.

Proprietors may assign the land tax purchased by them (schedule (D)) and a memorial of such assignment shall be entered with the proper officer to be appointed;

with whom persons, becoming entitled to land tax by marriage, shall register affidavits thereof, and executors, &c. shall enter probates, &c.

LXXXVIII. And be it further enacted, that it shall be lawful for the proprietors for the time being of any land tax which shall have been purchased in pursuance of this act, to sell, dispose of, and transfer the same, in the manner, and subject to the rules and conditions hereinafter mentioned, and that the assignment thereof shall be in writing, in the form specified in the schedule hereunto annexed, marked (D); and on every such assignment, and also in every case where any assignment shall be made of any land tax in pursuance of any claim or demand by virtue of this act, the assignment of such land tax shall be produced to the proper officer to be appointed for that purpose, who shall enter a memorial of such assignment in a book or books to be provided and kept for that purpose, and shall certify the entry of such memorial by an endorsement on such assignment; and where any person or persons shall, in right or by virtue of his or their marriage, become entitled to any land tax which shall have been redeemed or purchased in pursuance of this act, an affidavit, containing a copy of the register of such marriage, shall be made and sworn to or affirmed by some credible person, before a judge of one of his majesty's courts of record at *Westminster*, or before a master in chancery in *England*, or one of the judges of the court of session in *Scotland*, or a magistrate or baillie of some corporate town, or one of his majesty's justices of the peace, and shall be transmitted to such officer as aforesaid, who shall make an entry thereof in the book or books which shall be kept for entering memorials of assignments of such land tax, and such officer shall, upon the application of the person or persons entitled to such land tax, grant to him, her, or them, a certificate of such entry; and where any person or persons shall, as executor or executors, administrator or administrators,

of any person deceased, become entitled to any such land tax, the probate of the will or testamentary instrument or letters of administration, under which such person or persons shall be so entitled, shall be produced and shewn to such officer, who shall enter the same, and grant a certificate thereof in manner aforesaid; and such officer is hereby required to make out a duplicate of every such certificate, fairly written under his hand, and to deliver or cause to be delivered such duplicate to the receiver general in *England*, or collector in *Scotland*, for the county, riding, stewartry, or place, wherein such land tax shall be charged; and after the delivery of such duplicate to such receiver general, or his deputy or deputies, or to such collector, the person or persons to whom any such land tax shall have been transferred or transmitted as aforesaid, shall, upon the production of such certificate to such receiver general, or his deputy or deputies, or such collector, be entitled to demand, have, and receive, for his, her, or their own use, the full amount of the land tax which shall be specified and mentioned in such certificate, free of all charges and deductions whatever, and in the same manner, in all respects, as if he, she, or they, had been the original purchaser or purchasers of such land tax, and the receipt or receipts of such person or persons shall be a sufficient discharge to such receiver general, or his deputy or deputies, and collector, for the same: provided always, that wherever, by reason of any assignee not having declared such option as hereinbefore is mentioned in the assignment of any land tax, the manors, messuages, lands, tenements, or hereditaments, charged therewith, shall be exonerated therefrom, such officer is hereby required to transmit the like duplicates as hereinbefore directed in cases where any manors, messuages, lands, tenements, or hereditaments, shall be exonerated from the land tax charged thereon in pursuance of the original contract.

Duplicates of such entries to be transmitted to receiver general, who shall pay such assignees, &c.

Where assignee does not declare his option, lands to be exonerated.

LXXIX. And be it further enacted, that if any person who shall have entered into any contract with the said commissioners, specially to be appointed for the purposes of this act, for the redemption or purchase of any land tax, shall die before the transfer of all the instalments of stock contracted to be made by him or her, without having made any provision, by will or otherwise, how the future instalments shall be made good, then and in such case the future instalments shall be paid out of the assets of the person so dying, as a debt to his majesty upon record, and the executors or administrators of the person so dying, and the trustee or trustees, guardian or guardians, curator or curators of any infant, minor, or other person entitled to the estate and effects of the persons so dying, shall be indemnified against such infant or minor, and all other persons whomsoever, for making good the instalments necessary to complete the said contract, and if such executor or administrator, trustee, curator, or guardian, shall not have assets for that purpose, then they shall and may, and they are hereby respectively authorized and empowered to sell, assign, and dispose of the said contract in the manner and form hereinafter directed; and the person or persons to whom such contract shall be assigned, shall be bound to complete the same upon the same terms and conditions, by the same instalments, and at the same periods, and in the same manner, and have

Where purchasers die before completing contracts, the payments due shall be considered and preferred as a debt to the king on record; and on defect of assets, executors, &c. may sell and assign the contract, of which the assignee shall have all the benefit.



and be entitled to the same benefits and advantages, as the person so dying would have been bound to complete the same, and would have been entitled to, in case he or she had been then living.

Courts of exchequer may enlarge the time for payment of instalments. (See secs. 96, 97.)

LXXX. Provided always, that the said respective courts of exchequer may, in all such cases, give the like relief by enlarging the time for making good any future instalment or instalments, as they are hereby authorized to do in cases of forfeiture through the default of the party.

Where persons redeeming the land tax by sale of part of their lands, &c. shall declare their option to be considered as purchasers, the land tax so redeemed shall be attendant on the estate of such purchasers, and payable to them by the receiver general.

LXXXI. And be it further enacted, that where any person, body, corporation, or company, shall have redeemed any land tax out of the monies arising from the sale or mortgage of any manors, messuages, lands, tenements, or hereditaments, or from the grant of any rent charge thereout, under and by virtue of this act, and shall have declared his, her, or their option to be considered on the footing of a purchaser thereof as aforesaid, in every such case the land tax so redeemed shall continue and be attendant upon the estate and interest of the person or persons, bodies, corporations, or companies, who shall for the time being be beneficially entitled to the rents and profits of the said manors, messuages, lands, tenements, or hereditaments, and shall be payable by the receiver general in *England*, or collector in *Scotland*, his deputy or deputies, for the benefit of such person or persons, bodies, corporations, or companies; and the receipt or receipts of the person or persons who shall for the time being be in the actual perception of the rents and profits of the said manors, messuages, lands, tenements, or hereditaments, shall be a sufficient discharge to such receiver general or collector, or his deputy or deputies, for such land tax.

If the receiver general, &c. refuses to pay the land tax to any purchaser, the occupier of the lands charged shall pay it, unless previously paid (for want of notice) to the collector, or unless the value of the estate is reduced; in which latter case the occupier shall not be liable to pay more than four shillings in the pound on his rack rent; or in case of any abatement of the land tax, such sum only as shall then be charged thereon;

LXXXII. And be it further enacted, that if the receiver general in *England*, or collector in *Scotland*, of any county, riding, stewarty, or place, where any such land tax shall be purchased, as a specific charge upon any particular estate, shall neglect or refuse to pay to the purchaser or purchasers of such land tax, or the executors, administrators, or assigns, of such purchaser or purchasers respectively, the full amount of the land tax so purchased as aforesaid, the same being lawfully demanded of such receiver general or collector, or his deputy, in the manner before directed, at or after the time before limited for such payment, it shall be lawful for such purchaser or purchasers, or the executors, administrators, or assigns, of such purchaser or purchasers, to cause notice of such default to be given to the occupier or occupiers of the manors, messuages, lands, tenements, and hereditaments, on which the land tax so purchased shall be charged, and such occupier or occupiers shall be obliged to pay the same upon like demand, unless such occupier or occupiers shall have previously paid the same, for want of such notice, to the collector or collectors of the parish or place wherein such land tax shall arise, or unless the yearly value of the estate whereon such land tax shall have been charged, (estimating such value by the rack rents, and the highest improvements made of such manors, messuages, lands, tenements, or hereditaments), shall be reduced, so that the estate shall be charged with a higher rate than four shillings in the pound on such value, in which case the occupier or occupiers shall not be liable to the payment of any greater sum than after the rate

of four shillings in the pound on such value, or unless the land tax charged on such manors, messuages, lands, tenements, or hereditaments, shall by any abatement thereof be reduced to a sum less than the sum charged on the same manors, messuages, lands, tenements, or hereditaments, at the time of the purchase, in which case such occupier or occupiers shall not be liable to the payment of any greater sum than the sum charged on such manors, messuages, lands, tenements, or hereditaments, at the time when such demand shall be made; and in case of neglect or refusal by such occupier or occupiers to pay the land tax so payable as aforesaid, such occupier or occupiers not having before paid the same, all the remedies which may be practised by any lessors or landlords shall be applied and put in execution for the recovery of any land tax purchased in pursuance of this act, as fully and effectually as if all such remedies were severally and separately re-enacted in the body of this act: provided always, that in case of any diminution of the sum to be paid by such occupier or occupiers to the purchaser or purchasers of any land tax, his, her, or their executors, administrators, or assigns, by reason of such reduction in the value of the estate charged therewith, such purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall have the option of continuing to receive a sum necessary to complete in each year the whole annual amount of the land tax originally purchased, or of receiving back from the commissioners for the reduction of the national debt so much capital stock in the three pounds *per centum* bank annuities originally transferred, in pursuance of the contract, as shall yield an interest exceeding the amount of the sum by which the land tax originally purchased shall have been diminished by one-tenth part, or one-fifth part, or other proportion thereof, according to the terms of the original contract; and the said commissioners are hereby authorized and required, on the production of the certificate of the commissioners for executing the act of the present session and this act, of such abatement, or an attested copy thereof, (which certificate or copy the said last mentioned commissioners are hereby required to give, after making any allowance of such abatement), to transfer such capital stock to such person or persons as aforesaid.

LXXXIII. And be it further enacted, that if any receiver general in *England*, or collector in *Scotland*, of or for any county, riding, stewardry, or place, where any such land tax shall be purchased as aforesaid, or his deputy, shall (having sufficient money in his hands arisen out of the land tax, or out of any other rates or duties receivable by him as such receiver general or collector) wilfully neglect or refuse to pay to the purchaser or purchasers, or the heirs, executors, administrators, or assigns of such purchaser or purchasers, within the time hereinbefore limited, the full amount of the land tax so purchased as aforesaid, free of all charges and deductions whatever, and without fee or reward, such receiver general or collector shall forfeit and pay to the party grieved the sum of one hundred pounds, to be recovered as hereinafter is directed.

LXXXIV. Provided always, and be it further enacted, that every receiver general or his deputy in *England*, and every collector in *Scotland*, and every collector of any parish or place in *England*,

to be recovered of such occupier as rent.

In case of reduction of the value of the estate, the purchaser of the land tax may have his option, either to receive a sum adequate to the deficiency of the old tax, or so much 3 per cent. stock as will produce 1-10th or 1-5th more than such deficiency, according to the original contract.

Receiver general wilfully refusing to pay land tax to a purchaser, to forfeit £100 to the party grieved.

Receiver general paying to the person appearing by

the register to be entitled, shall be indemnified.

Where land tax is purchased, and any abatement takes place, the receiver general to make good the deficiency to the purchaser, unless he has received back an equivalent in stock.

(See secs. 82, 86.)

Where purchase is made by persons not entitled to preference, the purchaser may, at his election, instead of receiving amount of such abatement from the receiver general, demand an equivalent in stock.

On refusal of the receiver general to pay the land tax to a proprietor, the collector, on notice given, shall pay the same.  
(See sec. 82.)

paying any such land tax to any person or persons, appearing by any register kept by the proper officer to be appointed for that purpose, under the direction of this act, or by the certificate of such officer, to be the person entitled to such land tax, shall be indemnified in making such payment, notwithstanding any defect of title in the person or persons receiving the same.

LXXXV. And be it further enacted, that where any purchase shall be made of any land tax as a specific charge on any particular manors, messuages, lands, tenements, or hereditaments, or where any person or persons, bodies, corporations, or companies, entitled to preference, shall have made his, her, or their option, to be considered on the footing of a third person purchasing the land tax, and any abatement shall afterwards take place in the sum charged at the time of such purchase, the receiver general in *England*, or collector in *Scotland*, of or for the county, riding, stewartry, or place, within which such land tax is charged, is hereby authorized and required, upon the production of the certificate of the commissioners for executing the act of the present session of parliament and this act, of such abatement, or an attested copy thereof, to pay the full amount thereof, free of all charges and deductions whatever, and without fee or reward, to such person or persons as aforesaid, in like manner, and out of such monies, and at such times of payment as is herein directed for the payment of the whole of the land tax purchased, unless such person or persons shall have received back a proportion of capital stock in lieu of such abatement, according to the provisions of this act.

LXXXVI. And be it further enacted, that where any purchase shall be made of any land tax as a specific charge on any particular estate or estates, by any person or persons, bodies, corporations, or companies, other than the persons entitled to preference as aforesaid, then such person or persons, bodies, corporations, or companies may, at his, her, or their election, instead of receiving the amount of such abatement from the receiver general or collector, demand of and from the commissioners for the reduction of the national debt, a transfer of so much capital stock in the three pounds *per centum* bank annuities, as shall yield an interest exceeding the amount of such abatement by one fifth part, or one tenth part, or other proportion thereof, according to the terms of the original contract, and the said commissioners are hereby authorized and required, on the production of the certificate of such abatement hereinbefore mentioned, or an attested copy thereof, to transfer such capital stock to such person or persons, bodies, corporations, or companies as aforesaid.

LXXXVII. And be it further enacted, that if the receiver general in *England* of any county, riding, or place, where any land tax shall remain chargeable, after the same hath been purchased in pursuance of this act, shall neglect or refuse to pay to the respective purchasers of such land tax, or the executors, administrators, or assigns of such purchasers respectively, the full amount of the land tax so purchased as aforesaid, the same being lawfully demanded of such receiver general, or his deputy, at or after the time before limited for such payment in manner before directed, then and in every such case it shall be lawful for such proprietors respectively, or their respective

executors, administrators, or assigns, to cause notice of such default to be given to the collector for the time being of the said land tax, for the parish or place where such land tax shall have been charged, and also of his, her, or their intention to receive the land tax in future from such collector, and on such notice every such purchaser, his or her executors, administrators, or assigns, shall be entitled to receive the amount of such land tax from such collector accordingly.

LXXXVIII. And be it further enacted, that where any abatement shall take place in *England* in the land tax purchased as a specific charge on any particular estate or estates, or by any persons entitled to preference, who shall have made their option to be considered on the footing of third persons purchasing the land tax, if the receiver general of the county, riding, or place, shall neglect or refuse to pay to any of the persons entitled to such land tax the full amount of such abatement, the same being lawfully demanded of such receiver general, or his deputy or deputies, at or after the time before limited for such payment, then and in every such last mentioned case it shall be lawful for such person or persons to cause the like notice to be given to the collector for such parish or place as aforesaid, to entitle him, her, or them, to receive from such collector the amount of such abatement.

LXXXIX. And be it further enacted, that every such collector, for any parish or place in *England*, on the production of the contract for the purchase of such land tax, with the certificate of the registry thereof, or an attested copy of such certificate, is hereby authorized and required, within ten days after he shall have received the same, and after such notice shall be given as aforesaid, and so from time to time as any land tax shall be payable to such person or persons, to pay or cause to be paid to such purchaser or purchasers, his, her, or their executors, administrators, or assigns, the full amount of the land tax so purchased as aforesaid, or in case of any abatement therein, the amount of such abatement, free of all charges and deductions whatever, and without fee or reward, out of any money in the hands of such collector arising from the produce of the land tax, or out of the first monies which shall come into his hands, arising from the produce of the land tax in such parish or place, unless such collector shall, for want of such notice as aforesaid, have paid the whole of the land tax charged in such parish or place to the receiver general of the county, riding, or place, within which such parish or place is situate, at the time of any such demand being made; and the receipt of the purchaser or purchasers, his, her, or their executors, administrators, or assigns, shall from time to time be a good and sufficient discharge to such collector for the amount of the land tax or abatement thereof so paid, and shall be taken by the respective receivers as cash, and returned by them as such into the receipt of the exchequer; and in case of neglect or default by such collector to pay such land tax, such collector not having before paid the same, all the remedies which may be had or practised by any receiver general on behalf of his majesty, or by the commissioners for executing the act of the present session of parliament, or this act, shall be applied and put in execution by the person or persons entitled to such land tax, against such collector or collectors, his, her, or their estate

If the receiver general shall refuse to pay the amount of abatement, the collector shall pay the same.

Collector to pay proprietor within ten days after production of the contract and certificate of its registry; and so from time to time, unless he shall have paid over his whole receipt, without notice, to the receiver general.

Proprietor's receipts shall be the collector's discharge, and taken as cash of him.

Proprietor shall be entitled to all the remedies as a receiver general.

or effects, as fully and effectually as if all such remedies were severally and respectively re-enacted in the body of this act.

Collector refusing to pay, after notice, to forfeit £20 to the party grieved.

XC. And be it further enacted, that if any such collector of any parish or place in *England* where such land tax shall be purchased, (having sufficient money in his hands, arising out of the land tax charged on such parish or place, receivable, and received by him as such collector), shall at any time or times, after such notice given as last mentioned, neglect or refuse to pay to the purchaser or purchasers of any such land tax, or the executors, administrators, or assigns of such purchaser or purchasers, within the time hereinbefore limited, the full amount of the land tax so purchased, or any such abatement thereof as aforesaid, free of all charges and deductions whatever, and without fee or reward, the same being first lawfully demanded as aforesaid, such collector shall forfeit and pay to the party aggrieved the sum of twenty pounds, to be recovered as hereinafter is directed.

On the transfer of the second and all other instalments of stock, the purchaser of land tax shall pay, by way of interest, a proportion of the land tax redeemed.

XCi. And be it further enacted, that upon every contract entered into as aforesaid, upon which the transfer of stock shall be made by instalments, there shall be paid at the time of making the second instalment upon such contract, and so of every subsequent instalment upon such contract, into the hands of the cashier or cashiers of the governor and company of the bank of *England*, (whose receipt shall be a sufficient discharge,) to the use of his majesty, his heirs or successors, a sum of money by way of interest, equal to the amount of the land tax redeemed or purchased, deducting therefrom a sum bearing the same proportion to such land tax, as the amount of the stock before then transferred bears to the whole amount of the stock agreed to be transferred on such contract, having regard to the time when the first dividend after the transfer of such stock will become payable; of which sums so to be paid by way of interest, a separate account shall be kept at the bank of *England*, and the same shall from time to time be paid separately into the receipt of his majesty's exchequer, and shall be applicable to such uses and purposes as shall then have been or shall be voted by the commons in parliament.

Land tax purchased by persons not entitled to preference shall not be redeemed till the dividends on the stock purchased for reducing the national debt existing previous to the war, shall cease to accumulate. After that period, for three years, persons possessed of or entitled to lands charged with land tax purchased under this

XCII. And be it further enacted, that the land tax, or any part or parcel thereof, purchased under and by virtue of this act, by any person or persons, bodies, corporations, or companies, not entitled to preference as aforesaid, shall not be subject to redemption until the period when the dividends arising from the purchases of stock made by the commissioners for the reduction of such part of the national debt, which existed previous to the commencement of the present war, shall, according to the true intent and meaning of the acts now in force, cease to accumulate, and be considered as redeemed and in the disposition of parliament.

XCIII. And be it further enacted, that, from and after the period herein last before mentioned, and at any time during three years then next ensuing, all and every persons and person, bodies, corporations, and companies, being in the possession of, or beneficially entitled to any manors, messuages, lands, tenements, or hereditaments, charged with any land tax, which shall have been purchased under and by virtue of this act, shall, in the order in which they

respectively shall be entitled to the benefit of redeeming their land tax, according to the rate of preference for the redemption hereinafore mentioned, be entitled to treat with the commissioners specially appointed for the redemption of such land tax, or any part or parcel thereof, in such and the like manner, in all respects, as he, she, or they might have done within the period first hereinbefore limited, and the said commissioners are hereby authorized to contract and agree with him, her, or them respectively, for the redemption of such land tax, or any part or parcel thereof, upon the same terms and conditions, and in like manner in all respects, as if such contracts had been made within the period first hereinbefore limited, provided that he, she, or they shall, within twenty-one days after the making of such contract, give notice in writing to the receiver general in *England*, or collector in *Scotland*, of the county, riding, stewartry, or place, within which such land tax shall be charged, of such redemption as aforesaid, specifying in such notice the amount of the land tax so redeemed, the parish or place within which, and the manors, messuages, lands, tenements, or hereditaments, upon which the same is charged, and such receiver general or collector is hereby required to cause notice in writing of such redemption to be given to the original purchaser or purchasers of such land tax, his, her, or their executors, administrators, or assigns, or to the person or persons then entitled to receive the same from the said receiver general or collector of such land tax as aforesaid, as hereinbefore mentioned, whenever he, she, or they shall next demand the same; and all payments to such original purchasers on account of the land tax so redeemed, shall cease and determine from the end of the quarter of the year next ensuing such notice.

XCIV. And be it further enacted, that the commissioners for the reduction of the national debt, on application made to them by the original purchaser or purchasers of any land tax redeemed as aforesaid, his, her, or their executors, administrators, or assigns, and on production to the said commissioners of the original contract of purchase of such land tax, or assignment thereof, or certificate of any assignment thereof, or copy, made under the authority of this act, of any such certificate, and of the notice given to such purchaser or purchasers, his, her, or their executors, administrators, or assigns, by the receiver general or collector of the county, riding, or place, within which such land tax is charged, of the redemption thereof, or any part thereof, shall transfer to him, her, or them, so much capital stock in the three pounds *per centum* bank annuities as shall have been transferred by such original purchaser or purchasers, his, her, or their executors, administrators, or assigns, as the consideration for the purchase of such land tax, or such part thereof as shall be in proportion to the land tax redeemed, or at his, her, or their option, shall pay to him, her, or them a sum of money equal to what was the value of such capital stock at the time of the transfer of the first instalment on such contract, which value the cashier or cashiers of the bank of *England* is or are hereby required to indorse on such contract at the time of such transfer being made, and such contract shall thereupon be determined and of no effect, as to so much of the land tax which shall be so redeemed.

act, shall, in order of preference, be entitled to redeem the same as they might have done, (under secs. 12, 13), giving notice within twenty-one days of such redemption to receiver general, who must give notice to the proprietor;

all payments to whom shall cease from the ensuing quarter.

Commissioners for reducing the national debt shall thereupon transfer to such proprietor so much of 3 per cent. stock as was transferred for the original purchase: or, at the option of such proprietor, pay the value of such stock according to the price at the time of transferring the first instalment; which price shall be endorsed on the contract.

On fulfilling the contract for redemption, the lands subject to the land tax redeemed to be exonerated.

XCV. And be it further enacted, that whenever any land tax purchased under and by virtue of this act shall be afterwards redeemed in pursuance of this act, and the whole of the capital stock contracted for as the consideration of such redemption, or such part thereof as shall have been contracted for on account of the first instalment, shall have been transferred to the commissioners for the reduction of the national debt, and all other matters and things hereinbefore directed as to contracts of redemption made within the period first hereinbefore limited, being duly performed, the manors, messuages, lands, tenements, and hereditaments, comprised in such contract, shall be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof, and such land tax shall be no longer payable to the receiver general or collector of the county, riding, stewartry, or place, within which such land tax shall be charged, nor by such receiver general or collector to the purchaser or purchasers thereof, after notice of such redemption, unless such contract shall become null and void on failure of making good any instalment contracted and agreed for thereon as hereinafter mentioned.

Where persons refuse or neglect to complete their contract, it shall become void, and the land tax, if it has ceased shall be revived, and be again raised, or again sold; and the contractor making default shall forfeit the value of his first instalment.

XCVI. And be it further enacted, that if any person or persons, after entering into any such contract as aforesaid for the redemption or purchase of any such land tax, shall afterwards refuse or neglect to complete the same by the due and regular transfer of the several instalments agreed to be made thereon, then and in every such case, and immediately after default shall be made in the transfer of any of the said instalments, such contract shall become null and void, and the whole of the land tax so contracted for (in case the same shall have ceased by virtue of this act) shall be revived, and again become chargeable on the manors, messuages, lands, tenements, and hereditaments, whereon the same was charged prior to such contract, and such land tax (whether the same shall have been redeemed or purchased) shall be again assessed, raised, levied, and collected for the use of his majesty, his heirs and successors, or be again sold by the commissioners specially appointed for the purposes of this act, in the same manner as if such contract had not been entered into, and the person or persons so making default shall, for the non-performance of such contract, be subject to a penalty not exceeding the amount of the value of the stock agreed to be transferred for the first instalment.

Courts of exchequer in England or Scotland may relieve against such forfeitures. (See sec. 80.)

XCVII. And be it further enacted, that where any contract shall become forfeited, it shall be lawful for the courts of exchequer in *England* and *Scotland* respectively, on the application of the person or persons who shall have incurred such penalty, or any other person or persons who may be prejudiced by such default, by petition to be preferred in a summary way, stating the grounds of such application, to enlarge the time for the making good any subsequent instalment or instalments, and to grant such relief to the party or parties as to the said courts respectively shall seem meet, upon payment of all costs, and upon such other terms and conditions as to such courts respectively shall appear reasonable.

Contracts may be assigned and registered.

XCVIII. And be it further enacted, that every contract entered into and made, under and by virtue of this act, shall be assignable

by endorsement made thereon, in the form contained in the schedule marked (D), and where the assignment is only a part of the land tax comprised in such original contract, then by a like form to be endorsed upon an attested copy of such original contract, specifying the proportion of the land tax so to be assigned, and the premises upon which the same is charged, which assignment and assignments shall be registered, and duplicates thereof delivered in such and the like manner, in all respects, as is hereinbefore described with respect to the original contract entered into under and by virtue of this act. Sec. 78.

XCIX. And be it further enacted, that all land tax which shall be redeemed or purchased in pursuance of this act, except where the same shall be discharged by virtue of this act, or in cases where other provisions are made by this act, shall be deemed personal estate, and transmissible as such, and not of the nature of real estate.

Land tax redeemed or purchased under this act to be personal estate, except in certain cases. (See secs. 32, 40.)

C. Provided also, and be it further enacted, that where any contract shall have become null and void, in manner hereinbefore described, it shall be lawful for any person or persons, although not interested therein, by leave of, and under and subject to the directions of the said respective courts of exchequer, on application made in a summary way, to contract with the commissioners specially appointed for the purposes of this act, for the making good all such instalments as shall remain due at the time of such contract becoming null and void as aforesaid, and on transferring to the person or persons, bodies, corporations, or companies interested therein, the quantity of capital stock that shall have been transferred under such contract, or paying the value thereof, in such manner, and to such person or persons as the said respective courts of exchequer shall direct, and upon making good the instalments that shall remain due as aforesaid, and upon such registry and delivery of duplicates in manner hereinbefore directed in cases of assignment of contracts, such person or persons shall thenceforth be considered as the purchaser or purchasers of the land tax mentioned in such contract, and shall be entitled to all such benefits, advantages, and payments, as if he, she, or they had originally contracted for the purchase thereof, subject to such redemption thereof as is herein directed with respect to any purchaser or purchasers at the period hereinafter mentioned.

In case of contracts becoming void, strangers may, on application to the exchequer, make good the same, and stand in the place of the original purchasers.

CI. Provided also, and be it further enacted, that where any contract made under and by virtue of this act shall have become null and void as aforesaid, and no application to the said respective courts of exchequer shall have been made within three calendar months from the time of such default, in manner hereinbefore directed, by any person or persons not interested in such contract, nor any prosecution for the penalty shall have been brought, it shall be lawful for the commissioners for the reduction of the national debt, and they are hereby required to reserve to the use of the public such part of the capital stock transferred under such contract as shall be equal to the penalty incurred, and on demand thereof made, to transfer the remainder of such capital stock to the person or persons, bodies, corporations, or companies, interested in such stock, his, her, or their executors, administrators, or assigns.

Where no such application is made within three months, and the penalty for breach of contract is not sued for, the commissioners for reducing the national debt may retain the penalty out of the stock actually transferred, and re-transfer the remainder to the purchaser.



Bank to open an account of the sale of the land tax, and receive monies, and make entries accordingly.  
\* Sec. 30.

CII. And be it further enacted, that the governor and directors of the bank of *England* shall, and they are hereby required to open an account in their books under the title of "an account of the sale of the land tax" as before directed,\* and to carry to the credit of such account the monies directed to be paid into the bank of *England*, upon the said account, and the cashier or cashiers of the bank of *England* is and are hereby required to accept and receive all such monies from any person or persons, bodies, corporations, or companies aforesaid, and to make entries thereof in the books of the bank of *England* to be provided for that purpose.

If any assessment of the land tax shall exceed four shillings in the pound, an abatement shall be made and assessments made accordingly.

CIII. And be it further enacted, that if any assessment of land tax, which shall continue to be charged in pursuance of this act, shall at any time hereafter be found to exceed the rate of four shillings in the pound on the annual value of such manors, messuages, lands, tenements, or hereditaments, the same shall be subject to an abatement in the manner in such cases directed by the said act of the present session of parliament; and that after such abatement made, an assessment specifying such abatement shall be made thereof accordingly; and the commissioners making such assessment, shall cause duplicates thereof to be returned to the said receivers general, the commissioners for the affairs of taxes, and the offices of the king's remembrancer at *Westminster* and *Edinburgh* respectively, in the manner therein directed in other cases of assessments.

Where lands now rated together shall be hereafter divided, the land tax continuing to be paid, it shall be apportioned by the land tax commissioners; and if either of the possessors shall be called on to pay the whole land tax, he shall recover from the other his portion as rent due.

CIV. And be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments which now are rated together, and chargeable with the payment of one gross sum by way of land tax, (and which land tax shall be purchased and continued payable, and be collected under the regulations contained in this act), shall hereafter be separated or divided, and come into the possession of different persons, prior to the time when such manors, messuages, lands, tenements, or hereditaments shall be exonerated therefrom by virtue of this act, then and in every such case the commissioners of land tax acting in or for the division wherein such land tax shall be charged, if in *England*, or the commissioners of supply acting for the county, stewardry, or place, if in *Scotland*, or any two or more of them, shall cause such land tax to be apportioned as between such persons respectively, according to the value of their respective estates, and to assess and charge the proportions in which their respective estates shall bear and sustain the same, or if in *Scotland* according to the rules and regulations followed there in the division of *cumulo* valued rents; and in case any one of such persons shall, at any time or times after such land tax shall be apportioned, be compelled to pay the whole of the said land tax, or more than his or her due proportion thereof, such person or persons shall and may, and is and are hereby authorized and empowered to demand of and from the person or persons who, under such assessment, ought to have paid the same, such sum or sums of money as he, she, or they shall have been compelled to pay over and above his, her, or their due proportion of such land tax, and on refusal to pay the same, to proceed for the recovery thereof in the same manner, in all respects, as lessors or landlords can or may, by virtue of any laws or acts now in force in *England* and *Scotland* respectively, proceed for the recovery of rent in arrear.

CV. And be it further enacted, that whenever, in any parish or place, separately assessed to the land tax, the whole of the land tax charged upon the manors, messuages, lands, tenements, or hereditaments in such parish or place, shall have been redeemed, and all the manors, messuages, lands, tenements, or hereditaments in such parish or place shall be exonerated, under and by virtue of this act, from the payment of any sum or sums of money as land tax, all assessments in such parish or place, by virtue of this act, shall cease and determine.

When the whole of the land tax in any parish is redeemed, and the parish exonerated, all assessments thereof shall cease.

CVI. And be it further enacted, that when any capital stock of the three pounds *per centum* bank annuities shall, by virtue of this act, be transferred to the commissioners for the reduction of the national debt, the interest or dividend which would have been payable on such stock, shall from thenceforth cease to be issued from the receipt of the exchequer, or to be charged on the consolidated fund, and the money which would have been applicable to the payment thereof shall remain and be a part of the growing produce of the consolidated fund, to be applied in such manner as parliament shall from time to time direct, part of the growing produce of the consolidated fund, disposable by parliament.

The interest on 3 per cents. transferred under this act to commissioners for reducing the national debt, shall not be issued from the exchequer; but remain a

CVII. Provided always, and be it enacted, that whenever any capital stock shall be transferred by the said commissioners to any person or persons in pursuance of this act, the dividends shall again be payable thereon in the same manner as if the same had never been transferred to the said commissioners.

But when stock is transferred by the said commissioners to any one, the dividends shall again be payable.

CIX. And be it further enacted, that the several sums of money arising from the produce of the duty by this act made perpetual as aforesaid, which shall be paid into the receipt of the exchequer in any year after the said twenty-fifth day of *March* one thousand seven hundred and ninety-nine, shall from time to time be carried to and made part of the consolidated fund.

Produce of land tax after *March 25, 1799*, to make part of the consolidated fund.

CX. And be it further enacted, that no contract entered into with the said commissioners specially to be appointed by virtue of this act, nor any certificate or receipt given under and by virtue of this act, nor any assignment thereof, shall be liable to any stamp duty whatever.

No contracts, receipts, certificates, or assignments, under this act liable to stamp duty.

CXI. Provided always, and be it further enacted, that whenever any notice, required to be given by this act, cannot be delivered to the person or persons to whom such notice is directed, it shall be sufficient for the party obliged to give such notice, to leave the same at the last most usual place of abode of the person or persons to whom such notice is to be given, if such person shall be in *Great Britain*; or if such person shall be beyond the seas, then to publish the same in the *London Gazette*.

Notices under this act may be left at the parties houses; or if they are abroad, published in the *Gazette*.

CXII. And be it further enacted, that the manors, messuages, lands, tenements, or hereditaments, which shall be sold by auction according to the provisions of this act, shall be exempt from any duty payable on sales by auctions.

Lands sold under this act, exempted from duty on auctions.

CXIII. And be it further enacted, that it shall be lawful to and for the lords commissioners of his majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to order and direct any sum or sums of money to be issued and paid out of any aids or supplies granted, or to be granted, by parliament for the

Treasury may pay salaries and expenses under this act out of annual supplies, not exceeding

three-pence in the pound to commissioners, on land tax sold.

Account of expenses to be laid before parliament.

Two commissioners for reducing the national debt sufficient for execution of this act.

Acceptance of commissions under this act not to vacate seats in parliament.

Penalties to parties aggrieved, where to be sued for.

Costs to plaintiffs.

Other penalties to be sued for in six months, half to the crown, and half to the informer.

Attorney general, &c. may stay proceedings.

service of the year in which such expenses shall be incurred, for the payment of salaries to commissioners, clerks, and officers, and for discharging such incidental expenses as shall necessarily attend the execution of this act, in such manner as the said lords commissioners, or any three or more of them, or the lord high treasurer, shall from time to time think fit and reasonable in that behalf: provided always, that no greater sum shall be paid to the commissioners specially to be appointed for the purposes of this act, for any county, riding, stewartry, city, borough, cinque port, town, or place, than after the rate of three-pence in the pound on the amount of the land tax sold by them, to be applied and paid to and amongst them in equal proportions: provided also, that an account of all such expenses shall be annually laid before parliament: provided also, that such expenses shall not be liable to account, otherwise than before the said commissioners of the treasury or lord high treasurer.

CXIV. And be it further enacted, that it shall and may be lawful for any two of the commissioners for the reduction of the national debt for the time being, to execute and do all matters and things which by this act the commissioners for the reduction of the national debt are required and empowered to do.

CXV. Provided always, and be it further enacted, that the acceptance of a commission from his majesty in pursuance of this act, for the purpose of selling the land tax, in any county, riding, stewartry, city, borough, cinque port, town, or place, shall not vacate the seat of any person returned to serve in parliament, nor shall the election of any person who shall have accepted such commission, be in any manner impeached thereby or made void; any law or statute to the contrary thereof in anywise notwithstanding.

CXVI. And be it further enacted, that all penalties and forfeitures to be sued for by the party aggrieved by virtue of this act, shall and may be sued for by action of debt or on the case in any of his majesty's courts of law in *England* and *Scotland* respectively, holding pleas to the amount of forty shillings, in which action or suit the plaintiff or plaintiffs shall be entitled to his, her, or their full costs, as in other cases in the said courts; and that one moiety of all pecuniary penalties and forfeitures hereby imposed, other than to the party aggrieved, shall, if sued for within the space of six calendar months from the time of such penalties or forfeitures being incurred, be to his majesty, his heirs and successors, and the other moiety thereof, with full costs of suit, to the person or persons who shall inform or sue for the same within the time aforesaid, and which shall and may be sued for in his majesty's court of exchequer at *Westminster*, for offences committed in *England*, or in his majesty's court of exchequer in *Scotland* for offences committed in *Scotland*, by action of debt, bill, plaint, or information, wherein no essoin, protection, privilege, wager of law, nor more than one imparlance shall be allowed; but nevertheless it shall be lawful for his majesty's attorney general in *England*, or his majesty's advocate in *Scotland*, in case it shall appear to his satisfaction that any such last mentioned penalty or forfeiture was incurred without intention of fraud, to stay all further proceedings, by entering a *noli prosequi*, or otherwise, with respect as well to the share of such penalty or forfeiture claimed

by such informer or informers, as to the share thereof belonging to his majesty.

CXVII. Provided always, and be it further enacted, that in default of prosecution within the time hereinbefore limited, no such last mentioned penalty or forfeiture shall be afterwards recoverable except in the name of his majesty's attorney general in *England*, and of his majesty's advocate in *Scotland*, by information in the court of exchequer in *England* or *Scotland* respectively, in which case the whole of such penalty or forfeiture shall belong to his majesty, his heirs and successors; and that all penalties and forfeitures, and shares of penalties and forfeitures, incurred as aforesaid, belonging to his majesty, his heirs or successors, shall be paid into the hands of such person or persons as the commissioners for the affairs of taxes shall appoint to receive the same, to the use of his majesty; and that in all cases where the whole of such pecuniary penalties or forfeitures shall be recovered to the use of his majesty, his heirs or successors, it shall be lawful for the said commissioners to cause such reward as they shall think fit, not exceeding one moiety of such penalty or forfeiture so recovered, after deducting all charges and expenses incurred in recovering the same, to be paid thereout, to or amongst any person or persons who shall appear to them entitled thereto as informers, in respect of such penalties or forfeitures so recovered; any thing herein contained to the contrary notwithstanding.

After six months, penalties shall be recoverable only in the name of the attorney general, &c. and be paid to commissioners of taxes, who may reward the informer.

CXVIII. And be it further enacted, that if any person shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any contract or contracts for the sale of any land tax, or any assignment or assignments of such contract or contracts, or of any portion of land tax therein comprised, or any certificate or certificates of the commissioners of land tax or of supply, or any chief magistrate authorized by this act to make out such certificate or certificates, or of the surveyor general of the land revenue of the crown, or of the duchy of *Cornwall*, or any certificate or certificates, receipt or receipts, of the cashier or cashiers of the governor and company of the bank of *England*, or any certificate or certificates, or attested copy of a certificate or certificates, directed by this act to be made out by the proper officer to the commissioners for the affairs of taxes, or shall wilfully deliver or produce to any person or persons acting under the authority of this act, or shall utter any such forged, counterfeited, or altered contract or contracts, assignment or assignments, certificate or certificates, receipt or receipts, knowing the same to be forged, counterfeited, or altered, with intent to defraud his majesty, his heirs or successors, or any body or bodies politic or corporate, or any person or persons whomsoever, then and in every such case all and every person or persons so offending, and being lawfully convicted thereof, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Persons forging, &c. any contract, assignment, certificate, or receipt, guilty of felony without benefit of clergy.

CXIX. And be it further enacted, that if any action or suit shall be brought against any person or persons for any thing done in pursuance of this act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, and

Limitation of actions.

General  
issue.

shall be laid in the county or place where the cause of complaint did arise, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in any other cases to recover costs by law.

Treble costs.

Land tax  
commission-  
ers, &c. being  
justices of  
the peace,  
may hear ap-  
peals under  
this act.

CXX. And be it further enacted, that the several persons who are or shall be named or appointed commissioners of land tax, in or by any act or acts now in force, or hereafter to be passed to carry into execution the act of the present session of parliament before mentioned, or this act, in any county, riding, or place, such persons being also justices of the peace of and for the same county, riding, or place, and not being persons specially appointed commissioners for the purposes of this act as aforesaid, shall be commissioners for the purpose of hearing appeals to be made by virtue of this act, for the division of the county or riding, or the district within which they usually act as commissioners of land tax and justices of the peace as aforesaid.

Persons  
aggrieved in  
sale of land  
tax (the con-  
sideration for  
which shall  
not exceed  
£500 stock),  
may appeal  
to such com-  
missioners at  
the next pet-  
ty sessions,  
and their  
order shall  
be final and  
conclusive.

CXXI. And be it further enacted, that if any person or persons shall think himself, herself, or themselves aggrieved by any determination of the commissioners specially to be appointed for the purposes of this act, with relation to any right or benefit of preference in, or any right of redemption of any land tax to be sold by virtue of this act, or with relation to the sale or mortgage of any messuages, lands, tenements, or hereditaments, or the grant of any rent charge thereout, for any of the purposes of this act with relation to the redemption or purchase of any land tax, (for the redemption or purchase of which not more than five hundred pounds capital stock, in the three pounds *per centum* bank annuities, would be transferred in the whole if such land tax was redeemed or purchased,) it shall be lawful for such person or persons, in every such case, to appeal to the commissioners appointed by this act, for the purpose of hearing appeals at the next petty sessions held by them, within and for the division or district within which such land tax, or any proportion thereof, shall be charged, and the said commissioners, or any two or more of them, shall, and they are hereby authorized and required to hear and determine all such appeals, at any petty sessions to be by them appointed, from time to time as there shall be occasion, and on due consideration of all the circumstances attending the case upon which such appeal shall arise, and on examination upon oath or affirmation of the parties interested in such appeal, and all other persons who shall be willing to be examined touching any matters or things relating to the matter in dispute as aforesaid, which oath or affirmation they, or any two or more of such commissioners, are hereby authorized to administer, and on the production, upon oath or affirmation as aforesaid, of any deeds, conveyances, or instruments,

or upon the production of any affidavits or depositions in writing, upon oath or affirmation, to be made in manner herein directed as to such affidavits, depositions, or affirmations, as may be produced to the commissioners specially appointed for the purposes of this act, it shall be lawful for such commissioners of appeal, and they are hereby required to determine such appeal, and give such order therein, as in their discretion shall seem expedient, which order shall be final and conclusive upon all parties; and if such commissioners of appeal shall have any doubts, touching any matters or things relating to the determination of such appeal, it shall and may be lawful for such last mentioned commissioners to require the advice and assistance, or the opinion of any counsel learned in the law, being a barrister of five years standing at the least, as to them shall seem most expedient, and such commissioners shall and may award the costs actually incurred in such appeal, and no more, together with such expense as shall have arisen from the obtaining the advice, assistance, or opinion of counsel, as the case may be, if any such expense shall have been incurred, to be paid either by the party against whom such appeal shall have been determined, or by both parties to such appeal, in such proportions as to such commissioners shall seem just and reasonable: and in case of refusal or nonpayment of any sums so ordered to be paid, by the space of twenty-one days next after such determination, such commissioners of appeal, or any two of them, shall and may issue forth their warrant, to levy the same by distress and sale of the goods and chattels of the person or persons ordered to pay such sum as aforesaid, rendering the overplus to the owner or owners, after the payment of the charge of such distress and sale: provided always, that where capital stock, which would be requisite to be transferred for the redemption or purchase of any land tax respectively, about which any such dispute as aforesaid may arise, would in the whole exceed five hundred pounds in such public annuities, the person or persons so thinking himself, herself, or themselves aggrieved as aforesaid, shall and may apply to the court of chancery or exchequer in *England*, or to the courts of session or exchequer in *Scotland*, by petition, to be preferred in a summary way, which courts respectively may thereupon grant such relief, and make such order therein, as to the said courts respectively shall seem meet.

Commissioners of appeal may have the advice of counsel, and award costs, &c.

Where the consideration exceeds £500 stock, appeal may be by petition to the courts of chancery, exchequer, or session.

CXXII. Provided always, and be it enacted, that this act may be altered, varied, or repealed, by any act or acts of this present session of parliament.

Act may be varied or repealed this session.

[Schedules

## Schedules to which this Act refers.

## (A.)

*Form of the certificate of the amount of the land tax, and the lands upon which it is assessed.*

*A. B.* and *C. D.* two of the Commissioners of land tax, for the county of do hereby certify, that the lands [*briefly describing the lands and hereditaments chargeable*] are charged with land tax to the amount of [*and if more parcels of land tax than one, repeat the description ;*] and that the messuage and lands [*briefly describing the same*] are charged in like manner to the amount of making in the whole the amount of

## (B.)

*Form of the certificate of the contract.*

Know all men, that we *A. B.* and *C. D.* two of the commissioners appointed for the purposes of an act [*here insert the title of the act,*] for the [*county, riding, &c.*] do hereby certify, that we have contracted and agreed with *A. B.* for the ["redemption by," or "sale to" him, *as the case may require*] of land tax, being the land tax [*or, parcel of the land tax, as the case may require*] charged upon the [*describe the lands as in the certificate of the commissioners of the land tax ; and if any land tax redeemed or purchased on other lands, to be specified in the same manner*] or being parcel of the land tax charged upon the parish of [*insert the parish and county, and if more parishes, to be inserted in the same manner.*] The consideration of the sale is declared to be capital stock in the per centum bank annuities, to be transferred to the commissioners for the reduction of the national debt, at the bank of *England*, in the following proportions, and at the following times ; viz.

"	stock	on or before the
"	stock	on or before the
"	stock	on or before the

&c. &c.

See sec. 96. with interest, to be paid at the time of the second and each subsequent instalment to the cashier or cashiers of the governor and company of the bank of *England*, equal to the amount of the land tax redeemed or purchased, deducting therefrom a sum bearing the same proportion to such land tax as the amount of the stock transferred before the time of each payment bears to the whole amount of stock agreed to be transferred on such contract : [*And, if the contract is made with a purchaser, subject nevertheless to the redemption of the land tax hereby sold, on such conditions, and at such time, and in the manner directed in the act herein above-mentioned.*]

(C.)

*Form of the certificate or receipt to be endorsed on the contract.*

Bank of England.	Days when stock was transferred.	Amount of the stock transferred.	Name of the receiver or acceptor
First Instalment -			
Second Instalment			
Third Instalment -			
Fourth Instalment			
&c. &c. &c. - -			

(D.)

*Form of assignment.*

I *A. B.* of                      in consideration of                      paid to  
me by *C. D.* of                      do hereby bargain, sell, assign, and  
transfer to the said *C. D.* his executors, administrators, and assigns,  
the yearly sum of                      being the whole [*or, part*] of the  
land tax charged upon certain manors, messuages, &c. [*here describe  
the nature of the estate*] in the parish of                      in the county  
of                      [*or, being part of the land tax charged upon the*  
parish of                      ] to hold to the said *C. D.* his executors,  
administrators, and assigns, with the same benefits and advantages,  
and subject to the same right and power of redemption, restriction,  
and conditions, as I held the same immediately before the execution  
hereof.

Witness our hands and seals, the                      day of  
in the year of of our Lord

(I.)

*Form of assignment of land tax by a trustee.*

I *A. B.* of                      a trustee appointed by *C. D.* of  
together with several other persons, to purchase  
their respective land tax, do hereby bargain, sell, assign, and transfer  
to the said *C. D.* his or her executors, administrators, and assigns,  
the yearly sum of                      being the land tax charged upon  
the [*here describe the nature of the property*] of him or her the said  
*C. D.* situate in [*here insert the place*] and which is the proportion



purchased by me as a trustee for the said *C. D.* to hold to the said *C. D.* his or her executors, administrators, and assigns.

Witness my hand and seal, the day of  
in the year of our Lord

39 GEORGE 3, CAP. 6, SECS. 5 & 31—36.—*An act to enlarge the time limited for the redemption of the land tax; and to explain and amend an act, made in the last session of parliament, intituled an act for making perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain as a land tax, for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight.*

Where the land tax on glebe or tithes is not redeemed by the incumbent before March 25, the patron may redeem as a reversioner;

where the living shall not have been exonerated by such redemption, the next succeeding incumbent may demand an assignment of the land tax, as a reversioner coming into possession may do under s. 18 of 36 G. 3, c. 60. Parishes may apply trust property applicable to charitable purposes in redeeming land tax on lands settled to charitable uses, and the lands may be charged with an annuity equal to the income of the property applied.

• Sec. 40.

V. Be it further enacted, that where the land tax charged upon the glebe lands or tithes of any living shall not have been redeemed by the incumbent thereof before the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, then it shall be lawful for the patron of the advowson of such living, at any time after the said twenty-fifth day of *March*, to contract for the redemption of the land tax charged thereon, in the same manner in all respects as a person seized or entitled in remainder, reversion, or expectancy, is by the said act entitled to contract; provided always, that where such land tax shall have been redeemed by the incumbent of such living out of his own estate, or by the patron thereof, and such living shall not have been exonerated therefrom, it shall be lawful for the incumbent who shall next succeed to such living, at any time after his institution or induction, or donation thereto, to demand an assignment of such land tax from the preceding incumbent, or his representatives in case of his death, or from such patron or his heirs or representatives, as the case may be, in the same manner as a person in remainder, reversion, or expectancy, is by the said act authorized to demand an assignment of any land tax on his or her estate or interest becoming vested in possession.

XXXI. And be it further enacted, that where any parish or place is or shall be under any act of parliament, or any deed or will, or under any decree of any court, or otherwise, entitled to receive, apply, and dispose of, any trust property applicable to any charitable purposes, it shall and may be lawful for such parish or place, and the trustees in whom such trust property is or shall be vested, to apply such trust property, or any part thereof, in the redemption of the land tax charged upon any manors, messuages, lands, tenements, or hereditaments, settled to charitable uses, to the benefit of which any such parish or place is or may be entitled; and by indenture or indentures, under the hands and seals of the parson, vicar, or curate, and of the churchwardens and overseers of such parish or place, or of the major part of them, enrolled in such manner as is by the said act\* directed with respect to indentures executed by trustees and other persons for the sale of lands for redeeming the land tax, to charge such manors, messuages, lands, tenements, or hereditaments, or a sufficient part thereof, with the payment of an annuity or rent-charge equal to the amount of the income of the trust property which shall have been applied in the redemption of such land tax: provided always, that no such trust property shall be so applied, or annuity charged, without the approbation of two such justices, certified in

such manner, and with such proof of notice, as is by the said act \* \* Sec. 44. directed, in case of the application of the poor rates or church rates for the redemption of the land tax.

XXXII. And be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will, for the purpose of being laid out in the purchase of lands or inappropriate tithes, for the benefit of the poor clergy in *England*, with such consent as is required by such will, to lay out from time to time any sum or sums of money, which by virtue of such will now is, or are, or hereafter shall be, applicable for the purpose aforesaid, in, for, or towards the purchase of so much of three pounds *per centum* bank annuities before mentioned as may be necessary, (or to apply any portion of such three pounds *per centum* bank annuities as they may be possessed of under their trust, and as may be necessary for the purpose), for the redemption or purchase of the land tax charged, or hereafter to be charged, in pursuance of the said act of the last session of parliament hereinbefore referred to, upon the lands, tithes, or other profits arising from such living or livings belonging to the church of *England*, as the said trustees for the time being, with such consent as aforesaid, shall think fit, the redemption of which land tax shall have been contracted for on or before the twenty-fifth day of *March* one thousand seven hundred and ninety-nine† now next ensuing, by the incumbent or incumbents of such living or livings, with the consent of the said trustees, and of such other persons whose consent is required by such will, or the purchase whereof shall afterwards be contracted for at any sale by contract or public auction, or otherwise, under the regulations of the said act, by such incumbent or incumbents with the like consents, and from time to time to transfer to the commissioners for reduction of the national debt, such three pounds *per centum* bank annuities, according to such respective contracts; and such transfers of stock shall, from the quarter day preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings, from the payment of the land tax so redeemed or purchased; and every such redemption or purchase of land tax by virtue of this act, for the benefit of such living or livings, shall be deemed valid and effectual in the law, and equivalent, to all intents, constructions, and purposes, to a purchase or purchases of lands or tithes for that purpose, under the trusts of such will, any statutes of mortmain or other statute or law to the contrary notwithstanding.

Trustees for the poor clergy under any wills may lay out trust property in the redemption of land tax on livings.

+ [Extended to March 25, 1800, c. 43, s. 7.]

XXXIII. And be it further enacted, that no glebe lands which shall be sold in pursuance of the said act, by the incumbent of any living, for the purpose of redeeming the land tax charged thereon, shall be sold, freed, or discharged from the tithes, unless the ordinary of such living shall certify his consent that the same shall be discharged from the tithes at the time of certifying his consent to the sale of such glebe lands.

No glebe lands sold by any incumbent for redeeming the land tax, shall be freed from the tithes, unless the ordinary shall certify his consent.

XXXIV. And be it further enacted, that it shall be lawful for all bodies politic or corporate, and companies, and all trustees for charitable purposes, being in respect of their manors, messuages, lands, tenements, or hereditaments, under the governance, guidance, or control of any private statutes, bye laws, ordinances, or regulations,

Corporations or trustees may sell lands notwithstanding any bye laws, &c. against alienations.

restraining the alienations of such manors, messuages, lands, tenements, or hereditaments, to sell, or mortgage, or grant any rent charge out of such manors, messuages, lands tenements, or hereditaments, for the purpose of redeeming the land tax thereon, or on any other manors, messuages, lands, tenements, or hereditaments, belonging to such bodies politic or corporate, or companies and trustees as aforesaid, in the manner authorized by the said act and this act, notwithstanding any such private statutes, bye laws, ordinances, or regulations to the contrary.

Lands may be sold for redemption of land tax, either by private sale or auction; the commissioners being in the former case satisfied that the price is adequate, according to an estimate on oath. [See c. 21, s. 1.]

XXXV. And be it further enacted, that in cases where any manors, messuages, lands, tenements, or hereditaments, may be sold in pursuance of the said act or of this act, for the purpose of redeeming any land tax, it shall be lawful to sell the same either by private contract or by public auction, provided, that in case of sale by private contract, the said commissioners for executing the said act shall be satisfied that the price agreed to be given for the same is not less than the actual value thereof, according to any estimate made or directed to be made by them, and verified upon oath, which any one of the commissioners is hereby empowered to administer; provided also, that when they shall judge it necessary to direct any such sale to be by public auction in pursuance of the said act, it shall not be necessary to require any such estimate as by the said act is required in cases of sale.

Sufficient may be raised by sale of lands to pay the expenses of the sale, as well as of the amount of the redemption money.

XXXVI. And be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments, shall be proposed to be sold or charged in pursuance of the said act and of this act, it shall be lawful to raise so much money by such sale or charge as shall be sufficient not only for the purpose of redeeming any land tax for which such manors, messuages, lands, tenements, or hereditaments, shall be sold, but also for the purpose of paying and satisfying all such costs and expenses as the person or persons, bodies, corporations, or companies, making any such sale or charge, shall incur on account thereof; and it shall be lawful for the said commissioners for executing the said act and this act, and also for any courts, where the authority of such courts is made requisite to such sale or charge, to order and direct that such costs and expenses shall be paid and satisfied out of the purchase money for the said manors, messuages, lands, tenements, or hereditaments, before the same shall be paid by the respective purchasers into the bank of *England*, pursuant to the directions of the said act, or that so much thereof as they shall deem sufficient shall be reserved for that purpose; and the said order or direction of the said commissioners, or of such courts respectively, shall be a sufficient discharge to such purchasers for so much of the purchase money as shall be applied in the payment of such costs and expenses, or as shall be raised for that purpose.

39 GEORGE 3, CAP. 21, SECS. 1—21, 28, 29.—*An act to amend and render more effectual two acts, passed in the thirty-eighth year of his present majesty's reign and the present session of parliament, for the redemption and purchase of the land tax.*—Whereas it is expedient to make provision for facilitating the redemption of the land tax by bishops, and other ecclesiastical persons, and by all corporations;

and also to explain and amend two acts, passed in the thirty-eighth year of his present majesty's reign and the present session of parliament for the redemption and purchase of the land tax: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that so much and such of the provisions of an act, made in the last session of parliament, intituled *an act for making perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain as a land tax for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight*; and of another act, made in the present session of parliament, intituled *an act to enlarge the time limited for the redemption of the land tax, and to explain and amend an act, made in the last session of parliament, intituled an act for making perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain as a land tax for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight*, as require that the commissioners appointed, or to be appointed, for carrying the said acts into execution, should consent to and approve of the sale of any manors, messuages, lands, tenements, and hereditaments, in *England*, thereby respectively authorized to be sold for the redemption of land tax, and also that such sales shall be by public auction before the said commissioners, or by private contract, according to an estimate made and verified upon oath, and also such provisions as require that a schedule should be produced, and one month's notice in writing given to the said commissioners previously to any such sale, and also all such other provisions as require the sanction, direction, authority or concurrence of the said commissioners, to any sale to be made by virtue of the said acts, so far as such restrictive provisions, or any of them, relate to any manors, messuages, lands, tenements, and hereditaments in *England*, belonging to any bodies politic or corporate, or companies, in the said acts mentioned, which now are or hereafter shall be in their own occupation, or let to tenants at will, or from year to year, or for any term of years, or which shall be leased upon or be subject to any demise for years absolute, or for years determinable on lives, for which a fine or premium was or shall be paid, or for lives, where a rent was or shall be reserved, or a fine or premium paid, shall, from and immediately after the passing of this act, be, and the same are hereby repealed.

II. And be it further enacted, that it shall be lawful for his majesty, his heirs and successors, from time to time, by letters patent under the great seal of *Great Britain*, to nominate and appoint seven persons (being respectively members of his majesty's most honourable privy council) to be commissioners for the purposes of regulating, directing, approving, and confirming all such sales, and contracts for sale, which shall be made by such bodies politic or corporate, or companies, for the purpose of redeeming any land tax charged on all or any of the manors, messuages, lands, tenements, or hereditaments, belonging to such bodies politic or corporate, or companies, whether in their own occupation, or let or demised as

So much of the said acts as requires the sanction, &c. of the commissioners to the sale of lands for redeeming land tax, (see 38 G. 3, c. 60, secs. 19, 20, 24, 29, 30, 38; and 39 G. 3, c. 6, secs. 35, 38, 43, 43) repealed; as far as relates to lands of bodies politic or corporate.

Seven commissioners (being members of the privy council) may be appointed, by the king, for regulating such sales by corporations. Two to be sufficient to any act.

aforesaid; and that any two or more of such persons may do any act, matter, or thing, which by this act the said persons are authorized to do.

III. And be it further enacted, that every commissioner specially to be appointed for the purposes of this act, before he shall enter upon the execution of his office, shall take an oath to the effect following; (that is to say),

Their oath.

**I** *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute the several powers and trusts reposed in me by an act of the thirty-ninth year of the reign of his present majesty king *George* the third intitled an act [*here insert the title of this act*], according to the tenor and purport of the said act. *So help me God.*

Which oath shall and may be administered by any one of the persons named to be a commissioner to any other or others of them.

All such sales by corporations shall be made under the direction of the commissioners for the purposes of this act, of whom two at least shall be parties to the sale.

IV. And be it further enacted, that all sales which shall be made from and after the passing of this act, by any such bodies politic or corporate, or companies aforesaid, for the purpose of redeeming the land tax charged upon any manors, messuages, lands, tenements, or hereditaments, belonging to them, whether in possession, or let or leased, upon or subject to any such demise as aforesaid, shall be made by and under the direction and authority of the commissioners to be appointed for the purpose of executing this act; and such sales shall, when approved and confirmed by the said commissioners, or any two or more of them, be as valid and effectual, in all respects, as if the same had been made and executed in the manner, and under and according to the several restrictions and regulations mentioned in the said recited acts: provided always, that no such sale shall be valid and effectual unless two at least of the said commissioners, to be appointed for the purposes of this act, shall certify their consent thereto and approbation thereof, by signing and sealing the same as parties thereto.

Corporations shall do all such acts for completing sales as the commissioners shall require; and purchasers shall pay money into the bank as under former acts.

V. Provided also, and be it further enacted, that all such bodies politic or corporate, and companies, who shall be desirous of making any such sale or sales as aforesaid, shall do and execute all such acts, matters, and things, for completing such sales as aforesaid, as the said commissioners, to be appointed for the purposes of this act, shall from time to time require; and all and every the purchasers of any manors, messuages, lands, tenements, or hereditaments, which shall be sold by the direction and under the authority of the said commissioners to be appointed for the purposes of this act, shall pay their respective purchase monies into the bank of *England*, and do all such other acts, matters and things, as by the said acts are required to be done by purchasers of estates under the authority of the same.

Ecclesiastical persons, &c. may make such sales with the consent of commissioners only. [See 38 G. 3, c. 60, s. 19, ad finem.]

VI. Provided always, and be it further enacted, that notwithstanding any thing in the said first recited act contained, requiring the confirmation of certain bodies and persons to the sale of any estates belonging to spiritual and ecclesiastical bodies or persons, no further or other consent, authority, approbation, or confirmation, shall be required to enable such sales by any spiritual or ecclesiastical bodies politic or corporate, whether aggregate or sole, for the purpose of redeeming the land tax charged upon all or any of his or

their estates, than such consent, authority, approbation, or confirmation, of the commissioners to be appointed for the purposes of this act, as is hereby required.

VII. And be it further enacted, that if the statement made to the said commissioners for executing the purposes of this act, by any bodies politic or corporate, or companies aforesaid, respecting any such contracts for sale or intended sales as aforesaid, or the value of the estate or estates proposed to be sold, shall not be satisfactory to the said commissioners, it shall be lawful for them to require such information to be given them respecting any matters or things relating to any such contracts or sales as they shall deem necessary, and to receive any affidavits or depositions to be made before any commissioners or persons who are or shall be authorized to take affidavits in causes depending in any of the courts at *Westminster*, or before any justice of the peace, respecting any such matters or things relating to any such contract or sale as aforesaid, which affidavits or depositions any two of such commissioners, or any one justice, or other person aforesaid, is and are hereby empowered to administer.

If statements made respecting contracts for such sales are not satisfactory to the commissioners, they may require information on the subject, and receive depositions, &c. made before commissioners for taking affidavits or one justice of the peace.

VIII. And be it further enacted, that the said commissioners to be appointed for the purposes of this act, shall and may employ a secretary, and all such other officers and persons as may be necessary; and shall and may, from time to time, at their discretion, dismiss and discharge such secretary, or other officers and persons, and appoint others in their place.

Commissioners may employ a secretary, officers, &c.

IX. And be it further enacted, that it shall be lawful for the lords commissioners of his majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to order and direct any sum or sums of money to be issued and paid out of any aids or supplies granted, or to be granted by parliament, for the service of the year in which such expenses shall be incurred, for the payment of salaries to such secretary and officers, and for discharging such incidental expenses as shall necessarily be incurred by the said commissioners in the execution of this act, in such manner as the said lords commissioners, or any three or more of them, or the lord high treasurer, shall from time to time think fit and reasonable in that behalf.

The salaries of secretary &c. and expenses of commissioners, to be paid by the treasury.

X. And be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments, belonging to any bishop or other ecclesiastical corporation, shall be sold in pursuance of this act, the land tax redeemed thereby shall be considered as yearly rent payable to such bishop or ecclesiastical corporation, his and their successors, over and above the reserved rent if any, during the demise existing at the time of such sale, and shall be recovered and paid as such; and the land tax so redeemed shall, in all future demises of such manors, messuages, lands, tenements, or hereditaments, be added to the ancient and accustomed yearly rent reserved or made payable during the terms granted by such demises, and shall be reserved and made payable as such accustomed yearly rent, during the terms to be granted as aforesaid, and shall be recovered and recoverable as such accustomed rent, by the like remedies as such bishops or other ecclesiastical corporations may use for the recovery of the ancient and accustomed rent reserved upon such demises.

Land tax redeemed by bishops, &c. to be in future considered as an additional yearly rent, on the present and all future demises, of the lands.

In case of failure of payment of instalments by purchasers on such sales, the seller, his executors, successors, &c. shall not be liable to any penalty imposed by 38 G. 3, c. 60, [see secs. 96, 100, and also secs. 79, 80, of that act];

nor shall the land tax be revived; but all such penalties shall be paid by the purchaser and future instalments recoverable as a debt from him to the king on record.

Mines, &c. shall not pass by conveyance of land sold, nor advowsons, &c. though they are appendant to the land; and stipends charged on such lands shall remain chargeable thereon.

XI. And be it further enacted, that when on any sale of any manors, messuages, lands, tenements, or hereditaments to be made by any such person, body, corporation, or company, by virtue of this act, it shall be agreed, that the purchase money shall be paid by instalments, and the purchaser or purchasers thereof shall fail or neglect to pay any of such instalments, or the interest thereon, or any part thereof, into the bank, in the times stipulated in the contract for the payment thereof, or in the manner required by this act, no such person, body, corporation, or company, nor the executors or administrators of any such person, nor the successor or successors of any such body, corporation, or company, shall be subject or liable to any penalty or forfeiture by the said first recited act imposed, in case of default in the transfer of any of the instalments agreed to be transferred on the contract entered into by such person, body, corporation, or company, for the redemption of the land tax charged on their manors, messuages, lands, tenements, or hereditaments; nor shall the land tax so contracted for be revived or again become chargeable on the manors, messuages, lands, tenements, and hereditaments, whereon the same was charged prior to such contract; but all such penalties and forfeitures shall be paid, sustained, and borne by such purchaser or purchasers, his, her, or their heirs, executors, administrators, or assigns; and all the subsequent instalments of such purchase money shall be recoverable as a debt to his majesty upon record, against him, her, or them, and against his, her, or their estates, goods, chattels, and effects.

XII. Provided always, and be it further enacted, that no mines, or minerals, or seams or veins of coal, metals, or other profits of the like nature, belonging to any manors, messuages, lands, tenements, or hereditaments, which shall be sold by any bishop or other ecclesiastical corporation aforesaid, for the purpose of redeeming any land tax, whether the same shall be opened or unopened, nor any right, title, or claim to open or work the same, nor any advowson, or right of patronage or presentation to any living or ecclesiastical benefice, or right of nomination to any perpetual curacy, shall pass by any conveyance of such manors, messuages, lands, tenements, or hereditaments, either by express or general words in such conveyance, although such advowson, right of patronage, or presentation, or nomination may be appendant or appurtenant to such manors, messuages, lands, tenements, or hereditaments; and such mines or minerals, seams or veins of coal, metal, or other profits aforesaid, and such advowsons, rights of patronage or presentation, or nomination, shall be always absolutely excepted, and reserved to such bishops or other ecclesiastical corporations aforesaid, as fully and effectually, to all intents and purposes, as if the same were in such conveyance expressly excepted and reserved: provided also, that no manors, messuages, lands, tenements, or hereditaments, which now are or shall be charged with the payment of any yearly sum or stipend, to or for the use or benefit of any curate of any church, chapel, or ecclesiastical benefice, shall be sold, freed and discharged from such yearly sum or stipend, but the same shall be and remain subject and liable thereto in like manner as if such sale had not been made.

XIII. And be it further enacted, that it shall be lawful for the said commissioners, to be appointed for executing this act, to allow such costs and expenses, attending any sales to be made under their authority, as they shall think reasonable, and to order and direct that the same shall be paid and satisfied out of the purchase money to arise from such sales, in like manner as is directed in and by the said act of the present session of parliament, with respect to sales made under the authority of the commissioners for executing the said recited acts.

Expenses of sales to be allowed by commissioners out of the purchase money; as under 39 G. 3, c. 6, s. 36.

XIV. And be it further enacted, that no deed or instrument whatever, whereby any sale or mortgage or grant shall be made of or out of any manors, messuages, lands, tenements, or hereditaments, which shall be sold or charged for the purpose of raising money for the redemption of any land tax, by any such bodies politic or corporate, or companies aforesaid, shall be liable to any stamp duty whatever, although the consideration to be expressed in such deed or instrument shall exceed the sum limited by the said last recited act.

Deeds, &c. in no case to be liable to stamp duty; on sales by corporations. [£1000, s. 45.]

XV. And be it further enacted, that where any manors, messuages, lands, tenements, or hereditaments, shall be sold by any bodies politic or corporate, or companies aforesaid, or by any person or persons whatever, for the redemption of any land tax, under a contract or agreement with the purchaser or purchasers thereof, that the purchase money shall be paid into the bank of *England*, in not more than six equal instalments, at equal periods from each other, and to be completed within the period of one year from the time of paying in the first instalment, then, and in every such case, it shall be lawful for the lords commissioners of the treasury, or any three or more of them for the time being, at any time after payment of the first instalment, to agree with the purchaser or purchasers of such manors, messuages, lands, tenements, or hereditaments, for the advance or loan to him, her, or them, of so much money as shall be sufficient for the immediate completion of the contract, upon such terms and conditions for securing the repayment of the said principal money so to be advanced, with lawful interest for the same, as the said lords commissioners of the treasury, or any three or more of them for the time being, shall think reasonable and just, and as shall be agreed to by such purchaser or purchasers; or otherwise, it shall be lawful for the said lords commissioners of the treasury, or any three or more of them, to contract and agree with any other person or persons, bodies, corporations, or companies, for the advance or payment into the bank of *England*, by such person or persons, bodies, corporations, or companies, on the behalf of such purchaser or purchasers, of such sum or sums of money as he, she, or they, shall desire to be advanced for the purposes before mentioned, upon such terms and conditions as the said person or persons, bodies, corporations, or companies, and the said purchaser or purchasers, shall respectively agree upon.

In cases of sales of land for redeeming land tax, where the purchase money is to be paid in not more than six instalments into the bank, within one year, the treasury may, after payment of the first instalment, advance money to the purchaser for the immediate completion of the contract; or agree with any other person, &c. for the advance of such money to the purchaser.

XVI. Provided always, and be it further enacted, that all and every person or persons for whom any such sum or sums shall be advanced for the purpose aforesaid, shall enter into a security for the repayment of the same, with interest, by writing obligatory to our sovereign lord the king, in such sum or sums of money as shall be directed by the said lords commissioners of the treasury, or by

Purchasers receiving such advance to enter into bonds to the king for repayment with interest



the corporations, companies, societies, or persons respectively, advancing the same as aforesaid, to be paid to our said lord the king, by such form of words as obligations to the king's majesty have been used to be made, and with such conditions to be thereunder written, as between the said commissioners of the treasury, or the parties advancing such sums of money, and the said respective purchasers shall be agreed upon; and that all such obligations to be so made shall be good and effectual in the law, and shall be of the same quality, force, and effect, to all intents and purposes, as any obligation made to our sovereign lord the king, or his predecessors, or any of them, hath at any time heretofore been, or now is, adjudged, received, or taken to be; any law, usage, or custom, to the contrary notwithstanding: provided also, that no obligation to his majesty in pursuance of this act, shall be liable to any stamp duty whatever.

Such bonds not liable to stamp duties

On failure in repayment by the purchaser, the treasury, or other persons advancing the money shall issue certificates to the proper officer of the crown (with a note in writing of the sum due, which shall be inserted in the writ); and the same when recovered from the purchaser by such officer, shall be paid into the bank.

XVII. And be it further enacted, that if default shall be made by any such purchaser or purchasers, his, her, or their heirs or assigns, in the repayment of any such sum or sums of money which shall be so advanced, either by the said lords commissioners of the treasury, or by any other person or persons, bodies, corporations, or companies aforesaid, or of the interest thereon, or any part thereof, within the respective times limited by the said obligations for the payment thereof, it shall be lawful for the said lords commissioners of the treasury, or the said other persons, bodies, corporations, or companies aforesaid, who shall have advanced such sums of money as aforesaid, and they are hereby respectively required, without further delay, to issue his or their certificate or certificates, from time to time, to the proper officer of the crown having the management of proceedings upon obligations to his majesty, requiring such officer or officers personally to proceed against the person or persons making such default, his, her, and their heirs, executors, and administrators, for the recovery of such parts of the sums advanced as shall be then due, together with interest as aforesaid, and such costs and charges attending such proceedings as shall be by law payable for the same: the amount of which principal sums so to be levied, the said commissioners of the treasury, or such persons, bodies, corporations, or companies aforesaid, shall cause from time to time to be testified by their note in writing, under the hands of any two or more of them, to such officer or officers, and which sums shall be inserted in the writ or process; and the like process shall and may from time to time issue as aforesaid, as occasion shall require; and the sums so recovered (the costs and charges aforesaid excepted) shall be paid to the said cashier or cashiers of the bank of *England*, without abatement, deduction, or delay, in satisfaction of such demands.

On the production of such certificate to a baron of the exchequer, and on his fiat, an extent shall issue in the first instance without other process

XVIII. Provided also, and be it further enacted, that where any proceeding shall be directed under the authority of this act, no writ or writs of *scire facias* shall be required to be issued, but that upon the production of the certificate or certificates of the said commissioners as before mentioned, before any of the barons of the respective courts of exchequer at *Westminster* or in *Scotland*, an extent shall and may issue in the first process upon the fiat of such baron, without any affidavit, or other verification or proof of the cause of such proceeding, than such certificate or certificates as aforesaid.

XIX. And be it further enacted, that after the due payment of the sums advanced, with interest as aforesaid, every obligation entered into in pursuance of this act being fully satisfied, according to the true intent and meaning of this act, shall be forthwith delivered up to be cancelled; and in case any such obligation shall have been prosecuted according to the directions of this act, the said commissioners of the treasury, or any three or more of them, shall, by their warrant or warrants, direct the proper officer or officers of the said respective courts of exchequer, to enter up satisfaction, on such obligation or obligations being so satisfied as aforesaid, upon the record, or otherwise to deliver up the same to be cancelled, as the case may require.

On payment of such money advanced with interest, the purchaser's bonds shall be delivered up: and in case of prosecution, satisfaction entered on record.

XX. And be it further enacted, that such process as aforesaid shall and may lawfully issue on any such obligation as aforesaid, against the manors, messuages, lands, tenements, or hereditaments, so to be purchased as aforesaid, and all other the manors, messuages, lands, tenements, or hereditaments, and also the goods, chattels, and effects of such purchaser or purchasers, his, her, or their heirs, executors, or administrators, for the benefit of any such person or persons, bodies, corporations, or companies, his, her, and their heirs, successors, executors, administrators, or assigns, who shall, in pursuance of any such agreement with the said lords commissioners of the treasury, advance or lend any sum or sums of money to such purchaser or purchasers as aforesaid.

Process may issue, as well against the lands purchased as all other lands and goods of the purchaser.

XXI. And be it further enacted, that all and every person and persons, bodies, corporations, or companies, making any such sale or sales, or contracts for any such sale or sales, for the purpose of redeeming their land tax, to whom such advance shall be made, shall, from and immediately after the registry of the contract for the redemption of land tax, have and enjoy the full benefit of the land tax, which shall have been contracted for, in the same manner in all respects as if they respectively had themselves completed their contracts by the transfer of the whole consideration to be transferred thereon.

Purchasers receiving such advance, to have the full benefit of the land tax immediately on registering the contracts for redemption.

XXVIII. And be it further enacted, that where any person or persons, who by the said first recited act is or are empowered, with the approbation of the court of chancery in *England*, or of the court of session in *Scotland*, to cut down timber for the redemption of the land tax charged on any manors, messuages, lands, tenements, or hereditaments, shall have entered into any contract or contracts, or shall at any time hereafter, before the first day of *May* one thousand eight hundred, enter into any contract or contracts for the redemption of the land tax charged on such manors, messuages, lands, tenements, or hereditaments, or shall have made, or shall hereafter, before the said first day of *May* one thousand eight hundred, make such application to the court of chancery in *England*, or to the court of session in *Scotland*, as in the said act is directed to be made, and as the case may require, and shall obtain, or shall have obtained, an order or direction of such court for the felling and cutting down such quantity of timber as may be deemed necessary for the redemption of the land tax proposed to be redeemed (a certificate of which order or direction shall be endorsed on the contract by the registrar or

Persons cutting down timber, with the approbation of the courts of chancery or session, for the redemption of their land tax, [see 38 G. 3, c. 60, s. 41.] need not make good their first instalment till May 1, 1800; but the whole money must be paid within three years from that time, and the consideration may be transferred in

advance.  
[See cap. 43,  
sec. 4.]

other proper officer of such court); then and in every such case it shall not be necessary to pay or transfer any part of the consideration for such redemption, until the first day of *May* one thousand eight hundred, although it shall have been or may be stipulated in the contract, that the whole, or the first instalment of such consideration, shall be transferred on or before any day prior to the first day of *May* one thousand eight hundred: provided always, that the whole amount of the capital stock agreed to be transferred in such contract shall, in every such case as last aforesaid, be transferred to the commissioners for the reduction of the national debt, within the period of three years from the first day of *May* one thousand eight hundred: provided also, that it shall be lawful to stipulate for the payment or transfer of the whole of the said consideration at any one time, or by instalments, within a less period than three years, or to pay or transfer the whole, or any part thereof in advance, in such manner, in all respects, as in the said several recited acts is mentioned.

Land tax redeemed by such sale of timber shall merge in the lands; except where the redemption declares his option to be considered on the footing of a purchaser; in which case it shall continue attendant on the estate in the same manner as if it had been redeemed by sale of lands. [See 38 G. 3, c. 60, s. 81.] The expenses of the surveying, selling, and sale of timber, to be paid out of the purchase money.

XXIX. Provided also, and be it further enacted, that notwithstanding any thing in the said first recited act contained, or in the order or direction of any such court to the contrary thereof, the land tax which shall be redeemed by the monies arising from the sale of any timber cut down under the authority of either of such courts respectively, shall, when all the instalments shall be completed, sink and become merged in the manors, messuages, lands, tenements, and hereditaments whereon the same was charged, for the benefit of the person or persons for the time being beneficially entitled to the rents and profits thereof; unless the person or persons contracting for the redemption of such land tax shall have declared his, her, or their option to be considered on the footing of a purchaser thereof, in which case the land tax so redeemed shall be and continue attendant upon the estate and interest of the person or persons for the time being beneficially entitled to the rents and profits of the said manors, messuages, lands, tenements, or hereditaments, in like manner as in the said first recited act is directed in cases where the land tax shall have been redeemed by the sale of any manors, messuages, lands, tenements, or hereditaments under the said act: provided also, that it shall be lawful for such courts respectively to order and direct that the costs and expenses in the surveying, valuing, and selling such timber, or otherwise on account of such sale thereof, shall be paid and satisfied out of the purchase monies for the same.

39 GEORGE 3, CAP. 40.—*An act to amend so much of three acts, made in the last and present sessions of parliament, for making perpetual, subject to redemption and purchase, the several sums of money charged as a land tax, as relates to that part of Great Britain, called Scotland.*

39 GEORGE 3, CAP. 43, SECS. 5—7.—*An act for enlarging the time limited by certain acts passed for the redemption of the land tax, for receiving contracts and making transfers of stock thereon, and for explaining and amending the said acts.*

Where lessees under bishops, &c. shall be lia-

V. Be it further enacted, that where any lessee of any manors, messuages, lands, tenements, or hereditaments, demised by any bishop or other ecclesiastical corporation, and charged with land tax,

shall be liable by virtue of the said last recited act, on occasion of the redemption of the land tax charged thereon, to pay the amount of such land tax to such bishop or other ecclesiastical corporation, and such manors, messuages, lands, tenements, or hereditaments, shall be demised to any under lessee, who shall be bound by covenant or agreement to pay such land tax, then and in such case the amount of the land tax charged on such manors, messuages, lands, tenements, and hereditaments, and so redeemed as aforesaid, shall be considered as rent reserved or made payable on such last mentioned demise, and the same powers shall be had, used, or enjoyed, for the recovery thereof, as for the recovery of such rent when in arrear.

VI. And be it further enacted, that it shall be lawful for the governors of the bounty of queen *Anne*, in the said first recited act mentioned, to execute the powers contained therein for the redemption of any land tax which shall have been or shall be contracted for by the incumbent or incumbents of livings at any time previous to the sale of such land tax under the said act, in like manner as they might have done within the period limited by the said act; and all acts and deeds of such governors, and also all contracts made before the passing of this act, shall be valid and effectual for the purposes in the said act mentioned, notwithstanding any limitation of time therein contained.

VII. And be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will for the purpose of being laid out in the purchase of lands or impropriate tithes, for the benefit of the poor clergy of *England*, and who were empowered by the said secondly recited act to apply their funds therein mentioned for the redemption or purchase of land tax charged upon the lands, tithes, or other profits arising from any living or livings belonging to the church of *England*, which should have been contracted for on or before the twenty-fifth day of *March* one thousand seven hundred and ninety-nine, to carry into execution all and every the said powers for the redemption or purchase of such land tax which shall have been or shall be contracted for by the incumbent or incumbents of any living or livings in the manner directed by the said act, at any time before the twenty-fifth day of *March* one thousand eight hundred, and the transfers of stock to be made for such redemption shall have effect from the quarter day preceding the making thereof, and all other acts, matters, and things, which the said trustees might lawfully have done under and by virtue of the said secondly recited act, shall be as valid and effectual to exonerate and discharge the lands, tithes, and other profits of such living or livings from the payment of the land tax redeemed, as if such land tax had been contracted for on or before the twenty-fifth day of *March* one thousand seven hundred and ninety-nine.

39 GEORGE 3, CAP. 108, SECS. 1 & 2.—*An act to amend and render more effectual several acts for the redemption and purchase of the land tax.*—Whereas it is expedient to make further provision for facilitating the redemption of the land tax by archbishops, bishops, and other ecclesiastical persons, and by all corporations, and to remove doubts which have arisen respecting certain of the provisions

ble to pay the land tax, and the lands shall have been demised to under lessees, such land tax shall be considered as rent reserved on such last demise.

The governors of queen Anne's bounty may continue to execute the powers given them by sec. 64 of 38 G. 3. c. 80, for redemption of land tax contracted for by incumbents.

Trustees for the poor clergy under any wills may execute the powers given them by sec. 38 of c. 6, of this session, for the redemption of land tax contracted for by incumbents before March 25, 1800.

Corporations may sell the fee simple of estates to redeem the land tax notwithstanding its having been redeemed by lessees, &c. (and see sec. 9.)

39 G. 3, c. 21, sec. 2, 4, 5, 6.

The commissioners appointed by 39 G. 3, c. 21, sec. 2, shall direct how stipends shall be paid or borne in future, which were charged upon estates belonging to corporations, sold to redeem the land tax.

of the several acts passed for the redemption of the land tax: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall be lawful for all bodies politic or corporate, and companies, who, by the several acts passed in the thirty-eighth year of the reign of his present majesty and in the present session of parliament, for the redemption and purchase of land tax, are enabled to sell any of their manors, messuages, lands, tenements, and hereditaments, for the purpose of raising money for the redemption or purchase of land tax, to sell and dispose of the fee simple and inheritance of any of their manors, messuages, lands, tenements, and hereditaments, or of any part or parts thereof, for the purpose of raising money for the redemption or purchase of land tax charged on any manors, messuages, lands, tenements, or hereditaments of such bodies politic or corporate, or companies, or on any part or parts thereof, notwithstanding the land tax charged on the manors or other hereditaments so proposed to be sold shall have been redeemed by the respective lessees or copyholders or customary tenants thereof, or other persons having interests therein, so as such sale or sales respectively be made by such direction and authority as is required by an act passed in the present session of parliament, intituled *an act to amend and render more effectual two acts, passed in the thirty-eighth year of his present majesty's reign and the present session of parliament, for the redemption and purchase of the land tax.*

II. And be it enacted, that when any manors, messuages, lands, tenements, or other hereditaments of or belonging to any bodies politic, or corporate, or companies, which shall be sold for the purposes of this act or of the other acts before mentioned, shall be either exclusively or in common with other manors, messuages, lands, tenements, or hereditaments subject to or charged with any yearly sum or sums, stipend or stipends, or other profit or emolument to or for the use of any rector, vicar, curate, or other person or persons, it shall be lawful for the said commissioners appointed by virtue of the act last before mentioned to direct how and in what manner and proportions, and out of what part or parts of the manors, messuages, lands, tenements, or hereditaments, originally liable thereto, such sum or sums, stipend or stipends, or other profits or emoluments as aforesaid, or any specific part or parts thereof, shall respectively be paid or borne in future; and in every such case, and from thenceforth the manors, messuages, lands, tenements, or other hereditaments, or such specific part or parts thereof, by or out of which the same shall be so directed to be paid or borne, shall be exclusively subject thereto, and to such powers and remedies for the recovery thereof, as the law has provided for the recovery of rent reserved on leases; any thing in the said last mentioned act contained to the contrary thereof notwithstanding.

39 & 40 GEORGE 3, CAP. 10.—*An act to extend the period, limited by an act of the last session of parliament, for the benefit of preference to certain bodies, companies, and persons, in contracting for the redemption of land tax, until the twenty-fifth day of March one thousand eight hundred.*

39 & 40 GEORGE 3, CAP. 30, SECS. 5—9.—*An act for extending, from the twenty-fifth day of March one thousand eight hundred, until the twenty-fifth day of March one thousand eight hundred and one, the period of preference, granted and continued by several acts to bodies corporate and persons for the redemption of land tax; and for enlarging several of the powers contained in the said acts.*

V. Be it further enacted, that it shall be lawful for the governors of the bounty of queen Anne, for the augmentation of the maintenance of the poor clergy, who are authorized by the afore mentioned acts, or any of them, to lay out monies applicable towards the augmentation of livings in and for the redemption of land tax, from time to time to lay out any such sum or sums as now is or are or shall be hereafter applicable for that purpose, by virtue of the same acts, or any of them, in, for, or towards the purchasing any rent charge or rent charges which shall have been or shall be granted under the authority of any of the said acts, or of this act, by any rector, vicar, or curate, of any living or livings which the said governors have already agreed or shall hereafter agree to augment; and such rent charge or rent charges, when so purchased, shall be surrendered to such rector, vicar, or curate, as the case may be, or his successors, to the intent that the same may sink and be extinguished for the benefit of such living or livings.

Governors of queen Anne's bounty may purchase rent charges granted by rectors, &c. of livings augmented by the bounty, that they may be extinguished. [See 38 G. 3, c. 60, sec. 64; and 39 G. 3, c. 43, sec. 6.]

VI. And be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy of England, and who were empowered by an act, passed in the thirty-ninth year of the reign of his present majesty, intituled *an act to enlarge the time limited for the redemption of the land tax, and to explain and amend an act, made in the last session of parliament, intituled an act for making perpetual, subject to redemption and purchase in the manner therein stated, the several sums of money now charged in Great Britain as a land tax for one year, from the twenty-fifth day of March one thousand seven hundred and ninety-eight*; and by another act, passed in the same session of parliament, intituled *an act for enlarging the time limited by certain acts passed for the redemption of the land tax, and for explaining and amending the same*; to apply their funds therein mentioned for the redemption or purchase of land tax charged upon the lands, tithes, or other profits, arising from any living or livings belonging to the church of England, which should have been contracted for on or before the twenty-fifth day of March one thousand eight hundred, to carry into execution all and every the said powers for the redemption or purchase of such land tax, which shall have been or shall be contracted for by the incumbent or incumbents of any living or livings, in the manner directed by the said first mentioned act, at any time before the twenty-fifth day of March one thousand eight hundred and one; and the transfer of stock or payment of money for such redemption shall have effect from the quarter day preceding such transfer or payment; and all other acts, matters, and things, which the said trustees might fully have done under and by virtue of the said acts, or either of them, shall be as valid and effectual to exonerate and discharge the lands, tithes, and

Trustees for the poor clergy, under any wills, may execute the powers given them by 39 G. 3, c. 6, sec. 32; and c. 43, sec. 7, for the redemption of land tax contracted for by incumbents, until March 25, 1801.

other profits of such living or livings from the payment of the land tax redeemed, as if such land tax had been contracted for on or before the twenty-fifth day of *March* one thousand eight hundred; and all contracts made before the passing of this act shall be valid and effectual, for the purposes in the said act mentioned, notwithstanding any limitations of time therein contained.

Governors of the charity for the relief of the widows and children of clergymen, may, under the authority of two commissioners appointed by 39 G. 3, c. 21, sell lands given by will, and purchase the land tax on any lands vested in them.

VII. And be it further enacted, that it shall be lawful for the governors of the charity for the relief of the poor widows and children of clergymen, under the direction and authority of any two or more of the commissioners appointed by the said act passed in the thirty-ninth year of his present majesty's reign, intituled *an act to amend and render more effectual two acts passed in the thirty-eighth year of his present majesty's reign and the present session of parliament, for the redemption and purchase of the land tax*, to sell and dispose of any manors, messuages, lands, tenements, and hereditaments, given to them by any will, either generally in trust for the relief of such poor widows or children as aforesaid, or subject to any qualifications or restrictions as to the mode of applying such relief, in the extent of the allowance to be made to individuals, and to apply the money arising by such sale or sales for the purpose of purchasing or redeeming land tax charged on any manors, messuages, lands, tenements or hereditaments, vested in such governors, for the purposes of their charity.

Where the land tax on the glebe, &c. of any living in the patronage of any college, &c. at Oxford or Cambridge or the colleges of Eton or Winchester, shall not have been purchased by the incumbent, the corporations may purchase it as persons entitled in remainder, and may sell lands or grant rent charges for that purpose; but the college, &c. shall be entitled to a rent charge out of the living, equivalent to the amount, unless on the nominating an incumbent, it shall be declared in writing, that the rent charge shall be suspended.

VIII. And be it further enacted, that where the land tax charged upon the glebe lands, tithes, or other profits of any living or livings in the patronage of any college, cathedral church, hall, or house of learning in either of the universities of *Oxford* and *Cambridge*, or in the patronage of either of the colleges of *Eton* or *Winchester*, or of any trustee or trustees for any such college, cathedral church, hall, or house of learning as aforesaid, shall not have been redeemed or purchased by the incumbent of such living or livings, it shall be lawful for the corporations of such colleges, cathedral churches, halls or houses of learning respectively, to purchase or redeem the same on the same terms as persons entitled in remainder to such glebe lands, tithes or other profits would be capable of so doing, and to provide for such purchase or redemption by a sale of any lands or tenements belonging to such corporations respectively, or by the grant of any rent charge, which they could or might lawfully make for the redemption or purchase of any land tax charged on their own lands, and the land tax so redeemed shall be forthwith extinguished; but such college, cathedral church, hall, or house of learning respectively shall nevertheless be entitled to an annual rent charge issuing out of such living, equivalent to the amount of such land tax, which shall be recoverable by action, suit, distress, or any other means, by which rents reserved by leases are recoverable at law, unless it shall be declared in writing, under the common seal of the body or bodies having such right of patronage or nomination, at the time of presenting or nominating any clerk or clerks to such living or livings, that such rent charge shall be suspended during his or their incumbency or respective incumbencies; which declaration the body or bodies entitled to nominate to such living or livings shall from time to time be competent to make; and such suspension shall be without

prejudice to the right of the said body or bodies to recover the same after the next or any future avoidance: provided always, that any declaration made by such last mentioned bodies, or any of them, at the time of redeeming the said land tax, shall be as available during the incumbency of the then rector, vicar, or curate, as if it had been made at the time of his being preferred to such living.

IX. And be it further enacted, that where any land tax, charged upon any rectory, vicarage, or other living, shall have been or shall hereafter be redeemed by the patron or patrons thereof, and such rectory, vicarage, or other living, shall thereby have been or shall be exonerated from such land tax, then and in every such case it shall be lawful for such patron or patrons, his, her, or their heirs, executors, administrators, or assigns, from time to time to use the same powers and remedies for the recovery of the amount of such land tax as landlords can or may use for the recovery of rents in arrear.

41 GEORGE 3, CAP. 28.—*An act to explain, amend, and render more effectual, the several acts made in the thirty-eighth and thirty-ninth years of the reign of his present majesty, and in the last session of parliament, for the redemption and purchase of the land tax.*

41 GEORGE 3, CAP. 72.—*An act for extending the period of preference granted and continued by several acts to bodies corporate and persons for the redemption of the land tax, and to amend an act of the thirty-eighth year of the reign of his present majesty, for granting an aid to his majesty by a land tax.*

42 GEORGE 3, CAP. 116, SECS. 15—17, 35, 44—48, 77—79, 88, 161 & 162.—*An act for consolidating the provisions of the several acts passed for the redemption and sale of the land tax, into one act, and for making further provision for the redemption and sale thereof; and for removing doubts respecting the right of persons claiming to vote at elections for knights of the shire and other members to serve in parliament, in respect of messuages, lands, or tenements, the land tax upon which shall have been redeemed or purchased.*

XV. Be it further enacted, that it shall be lawful for the governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, to contract and agree for the redemption of the land tax charged or hereafter to be charged upon the lands, tithes, or other profits arising from any living or livings within the meaning of the charter granted in the reign of queen Anne, or any act or acts now in force directing the application of such bounty, which shall not have been contracted for by the incumbent or incumbents thereof.

XVI. And be it further enacted, that it shall be lawful for the trustees for the time being of any trust property heretofore given by any will, for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy in England, with such consent as is required by such will, to contract and agree for the redemption of the land tax charged or hereafter to be charged upon the lands, tithes, or other profits arising from such living or livings belonging to the church of England, as the trustees for the time being, with such consent as aforesaid, shall think fit.

XVII. And be it further enacted, that where the land tax charged upon the glebe lands, tithes, or other profits of any living or livings

ed during his incumbency.

Patrons redeeming land tax on livings shall have the like remedies for recovery of the amount as landlords have for rent.

Governors of queen Anne's bounty may contract where incumbents have not. [And see secs. 44, 161.]

Trustees for poor clergy, may contract [And see sec. 45, and also sec. 77. 161.]

Colleges and other patrons of livings



may contract where incumbents have not redeemed.

in the patronage of any college, cathedral church, hall, or house of learning in either of the universities of *Oxford* or *Cambridge*, or in the patronage of either of the colleges of *Eton* or *Winchester*, or of any trustee or trustees for any such college, cathedral church, hall, or house of learning as aforesaid, or in the patronage of any other bodies politic or corporate, or companies, or seoffees or trustees for charitable or other public purposes, or other person or persons, shall not then have been redeemed by the incumbent or incumbents of such living or livings, it shall be lawful for the corporations of such colleges, cathedral churches, halls, or houses of learning respectively, or for such other bodies politic or corporate, or companies, or other person or persons aforesaid, in whose patronage any such living or livings shall be, to contract and agree for the redemption of such land tax, upon the same terms and with the same benefits and advantages as the incumbent or incumbents of such living or livings could or might have contracted, to redeem the same.

Where tithes fee farm rents, &c. have not been or not distinctly assessed to the land tax, commissioners of land tax may adjust the proportions; and on their certificate the commissioners for redemption may contract.

XXXV. And be it further enacted, that in case any difficulty shall arise in the redemption of land tax, which ought to be charged on any tithes, or any fee farm rents, feu duties or other rents, or any lands, tenements, or hereditaments, because such tithes, rents, feu duties, lands, tenements, or hereditaments shall not have been assessed, or not distinctly assessed to the land tax, or because the land tax has been deducted out of any such rents by the owners or occupiers of the lands charged with such rents, it shall be lawful for the bodies politic or corporate, or companies, or other person or persons entitled to such tithes, rents, feu duties, lands, tenements, or hereditaments, to apply to the commissioners of land tax or supply, to settle and adjust the proportion of land tax which ought to be borne and paid by such bodies politic or corporate, or companies, or other person or persons on account of such tithes, rents, feu duties, lands, tenements, or hereditaments, which shall not have been assessed, or not distinctly assessed to the land tax; and such commissioners of land tax or supply, or any two of them, shall thereupon ascertain, settle, and adjust the same, and grant a certificate thereof; and upon the production of such certificate it shall be lawful for the commissioners acting in the execution of this act as aforesaid, to contract and agree with such bodies politic or corporate, or companies, or other person or persons respectively, for the redemption of such land tax; and it shall be lawful for all such bodies politic or corporate, or companies, or other person or persons, to do all acts necessary for the purpose of carrying such contract into execution, in the same manner as if such tithes, rents, feu duties, lands, tenements, or hereditaments, had been distinctly assessed to the land tax.

Governors of queen Anne's bounty may apply money in redeeming land tax on livings, and purchasing rent charges granted by incumbents, under former

XLIV. And be it further enacted, that it shall be lawful for the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, from time to time to apply any sum or sums of money or other funds, which under or by virtue of any laws now in force, or of the charter granted in the reign of queen *Anne*, now is or are or hereafter shall be applicable towards the augmentation of any living or livings within the meaning of such laws or charter respectively, in and for the redemption of the land tax charged

or hereafter to be charged upon the lands, tithes, or other profits arising from any such living or livings, which at any time before, or on or after the twenty-fourth day of *June* one thousand eight hundred and two, shall have been or shall be contracted for by the incumbent or incumbents of such living or livings (with the consent of the said governors) or which may be contracted for by the said governors in pursuance of this act, and the transfer or payment of the consideration for such redemption by the said governors, or by their order or direction, shall, from the quarter day next preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings from such land tax, which shall from thenceforth sink and be extinguished for the benefit of such living or livings; and it shall also be lawful for the said governors from time to time to apply any such sum or sums of money, or other funds as aforesaid, in, for, and towards the purchasing any rent charge or rent charges which shall have been or shall be granted under the authority of any of the said recited acts, or of this act, by any incumbent or incumbents of any living or livings which the said governors have already agreed, or shall hereafter agree to augment; and every such rent charge, when so purchased, shall be surrendered to the incumbent for the time being of the living upon which the same shall have been charged, to the intent that the same may sink and be extinguished for the benefit of such living or livings.

**XLV.** And be it further enacted, that it shall be lawful for the trustees for the time being, of any trust property heretofore given by any will, for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy in *England*, (with such consent as is required by such will), to apply from time to time any sum or sums of money, or other funds, which by virtue of such will now is or are, or hereafter shall be applicable for the purpose aforesaid, in, for, or towards the redemption of any land tax charged or to be charged upon the lands, tithes, or other profits arising from any living or livings belonging to the church of *England*) which at any time before, or on or after the said twenty-fourth day of *June* one thousand eight hundred and two, shall have been, or shall be contracted for by the incumbent or incumbents of such living or livings, with the consent of the said trustees, or of such other persons whose consent is required by such will, or which may be contracted for by the said trustees, in pursuance of this act; and the transfer or payment of the consideration for such redemption by the said trustees, or by their order or direction, shall, from the quarter day next preceding the making thereof, wholly exonerate and discharge the lands, tithes, or other profits of such living or livings, from such land tax, which shall from thenceforth sink and be extinguished for the benefit of such living or livings; and every such redemption of land tax, by virtue of this act, for the benefit of such living or livings, shall be deemed valid and effectual in the law, and equivalent, to all intents, constructions, and purposes, to a purchase or purchases of lands or tithes for that purpose, under the trusts of such will, any statutes of mortmain, or other statute or law to the contrary notwithstanding.

acts. [See  
also sec. 15,  
161.]

Trustees for  
poor clergy  
may lay out  
trust money  
in redeeming  
land tax on  
livings. [And  
see sec. 16, 77,  
161.]

Land tax on lands settled for the benefit of any parish, &c. may be redeemed out of the poor or church rates, with approbation of two justices.

XLVI. And be it further enacted, that where any lands, tenements, or hereditaments have been or shall be settled to charitable uses, for the benefit of any parish or place, it shall be lawful to apply such sum or sums of money as shall be necessary for the redemption of the land tax charged thereon, out of any rate made or to be made on such parish or place, for the relief of the poor, in case the rents and profits of such lands shall be applicable for the benefit of the poor, and out of any church rate, in case the rents and profits shall be applicable to the repairs of any church or chapel, or otherwise out of such parish rate as the circumstance of the particular case shall require: provided always, that no such rate shall be so applied without approbation of two justices of the peace of the county, riding, division, or place, certified in writing to the commissioners acting in the execution of this act, by virtue of his majesty's warrant under the royal sign manual, upon proof before such justices on oath or affirmation, of notice having been given during divine service, on two *Sundays* at the least, in the church or chapel belonging to such parish or place, or where there shall be no church or chapel, then in the church or chapel of some parish adjoining thereto, of an intention to make such application, and of the time and place of applying for the approbation of such justices.

Such land tax may be redeemed by trust property, and the lands shall be charged with an annuity equal to the trust property so applied, with the like consent of justices.

XLVII. And be it further enacted, that where under any act of parliament, or any deed or will, or under any decree of any court, any trust property shall be applicable to any charitable purposes for the benefit of any parish or place, it shall and may be lawful to apply such trust property, or any part thereof, in the redemption of the land tax charged upon any manors, messuages, lands, tenements, or hereditaments, settled to charitable uses, for the benefit of such parish or place; and by deed under the hands and seals of the parson, vicar, or curate, and of the churchwardens and overseers of such parish or place, or of the major part of them, enrolled in such manner as is herein directed with respect to deeds executed by trustees and other persons for the sale of lands for redeeming the land tax, to charge such manors, messuages, lands, tenements, or hereditaments, or a sufficient part thereof, with the payment of an annuity or rent charge equal to the amount of the income of the trust property which shall have been applied in the redemption of such land tax: provided always, that no such trust property shall be so applied or annuity charged without the approbation of such justices, certified in such manner, and with such proof of notice as is hereby directed, in case of the application of the poor rates or church rates for the redemption of land tax.

Donations to hospitals, &c. may be applied in redemption of land tax.

XLVIII. And be it further enacted, that it shall be lawful for the governors and directors of hospitals, and other charitable institutions, to apply any legacies or voluntary donations bequeathed or given to or for the benefit of such hospitals and charitable institutions, and which shall not have been directed by the person or persons bequeathing or giving the same to be applied in any particular manner, for or towards the redemption of the land tax charged upon any manors, messuages, lands, tenements, and hereditaments belonging to such hospitals or charitable institutions.

LXXVII. And be it further enacted, that it shall be lawful for the governors of the charity for the relief of the poor widows and children of clergymen, with the consent and under the direction and authority of the said last mentioned commissioners to sell and dispose of any manors, messuages, lands, tenements, or hereditaments, given to them by any will, either generally for the relief of such poor widows or children as aforesaid, or subject to any qualifications or restrictions as to the mode of applying such relief, in the extent of the allowance to be made to individuals, and to apply the money arising by such sale or sales for the purpose of redeeming land tax charged on any other manors, messuages, lands, tenements, or hereditaments vested in such governors for the purposes of their charity.

Governors of charity for clergymen's widows, &c. empowered to sell lands, with consent of such commissioners.

LXXVIII. And be it further enacted, that where the land tax charged upon the glebe lands, tithes, or other profits of any living or livings in the patronage of any college, cathedral church, hall, or house of learning, in either of the universities of *Oxford* and *Cambridge*, or in the patronage of either of the colleges of *Eton* or *Winchester*, or of any trustee or trustees for any such college, cathedral church, hall, or house of learning, or in the patronage of any other corporation aggregate, shall have been, or shall be redeemed by or on the behalf of any such college, cathedral church, hall, or house of learning, or by any such corporation aggregate, by virtue of any of the provisions of the said recited acts or of this act, it shall be lawful for any such college, cathedral church, hall, or house of learning, or for any such trustee or trustees thereof respectively as aforesaid, or for any such corporation aggregate, to provide for such redemption by sale of any lands, tenements, or hereditaments belonging to such corporations respectively, or by the grant of any rent charge which they could or might respectively lawfully make, for the redemption of any land tax charged on the lands belonging to such corporations, and the land tax so redeemed shall be forthwith extinguished; but every such college, cathedral church, hall, or house of learning respectively, or such corporation aggregate, shall nevertheless be entitled to an annual rent charge issuing out of such living, equivalent to the amount of the land tax redeemed, unless it shall be declared in writing under the common seal of the body or bodies having such right of patronage or nomination at the time of presenting or nominating any clerk or clerks to such living or livings, that such rent charge shall be suspended during his or their incumbency or respective incumbencies, which declaration the body or bodies entitled to nominate to such living or livings shall from time to time be competent to make: provided always, that such suspension shall be without prejudice to the right of the said body or bodies respectively, to recover such rent charge after the next or any future avoidance: provided also, that any declaration made by any such body at the time of redeeming the said land tax, shall be as available during the incumbency of the then rector, vicar, or curate, as if it had been made at the time of his being preferred to such living.

Colleges, &c. may redeem land tax on livings belonging to them, by sale, &c. of any of their lands;

and shall be entitled to an equivalent rent charge out of the living, unless they declare otherwise at the time of presentation, &c.

LXXIX. And be it further enacted, that where any ecclesiastical rector shall, in right of his rectory, be entitled to the patronage or donation of or to any vicarage or perpetual curacy, and there shall not be any glebe land belonging to such vicarage or perpetual curacy

Ecclesiastical rectors may redeem land tax on vicarages, &c. by sale of

part of the rectorial glebe: and the incumbent of the rectory shall be entitled to an equivalent rent charge out of the vicarage.

which shall be eligible or proper to be sold for the purpose of redeeming the land tax charged on the glebe lands, tithes, or other profits thereof, and such land tax shall have been or shall be redeemed by such ecclesiastical rector, then and in such case it shall be lawful for such ecclesiastical rector, whether he shall be also incumbent of the vicarage or perpetual curacy, or not, to provide for the redemption of such land tax by sale of part of the glebe lands belonging to such rectory, in the same manner in all respects as he could or might provide for the redemption of the land tax charged on the glebe lands, tithes, or other profits thereof, and the land tax so redeemed shall be forthwith extinguished; but whenever and so long as such rectory, and vicarage or perpetual curacy respectively, shall be held by different incumbents, the incumbent for the time being of such ecclesiastical rectory shall be entitled to an annual rent charge, issuing out of the vicarage or perpetual curacy, equivalent to the amount of the land tax charged thereon at the time of such redemption as aforesaid.

Land tax redeemed by bishops, &c. shall be considered as an additional yearly rent on all demises.

LXXXVIII. And be it further enacted, that where the land tax charged on any manors, messuages, lands, tenements, or hereditaments belonging to any bishop or other ecclesiastical corporation, shall have been or shall be redeemed by such bishop or ecclesiastical corporation, with any monies which shall have been or shall be raised for that purpose, by virtue of any of the powers or provisions of the said recited acts or of this act, such land tax shall be considered as yearly rent, payable to such bishop or other ecclesiastical corporation, his and their successors, over and above the reserved rent (if any), during the demise existing at the time of such sale, and shall be recovered and paid as such; and the land tax so redeemed shall, in all future demises of such manors, messuages, lands, tenements, or hereditaments, be added to the ancient and accustomed yearly rent reserved or made payable during the terms granted by such demises, and shall be reserved and made payable as such accustomed yearly rent during the terms to be granted as aforesaid, and shall be recovered and recoverable as such accustomed rent, by the like remedies as such bishops or other ecclesiastical corporations may use for the recovery of the ancient and accustomed rent reserved upon such demises; and where such manors, messuages, lands, tenements, or hereditaments shall be demised to any under lessee, who shall be bound by any covenant or agreement to pay the land tax charged thereon, then and in such case the amount of such land tax shall be considered as rent reserved or made payable on such last mentioned demise; and the same powers shall be had, used, or enjoyed, for the recovery thereof, as for the recovery of such rent when in arrear.

Governors of queen Anne's bounty, and other trustees for poor clergy (empowered to redeem land tax, see sec. 44, 45), may purchase land tax,

CLXI. And be it further enacted, that it shall be lawful for the governors of the bounty of queen Anne, and for the trustees for the time being of any trust property heretofore given by any will, for the purpose of being laid out in the purchase of lands or impropriate tithes for the benefit of the poor clergy in *England*, respectively, to apply any sum or sums of money, or other funds which by this act such governors and trustees respectively are empowered to apply in and for the redemption of the land tax charged on the

lands, tithes, or profits, of any living or livings herein mentioned, in the purchase of any land tax which shall be sold in pursuance of the provisions of this act, for the purpose of augmenting any such living or livings which such governors or trustees respectively shall think proper so to augment; and such land tax shall for ever after the purchase thereof be annexed to such living or livings, and be issuing as a fee farm rent out of the manors, messuages, lands, tenements, or hereditaments, whereon the same was charged at the time of such purchase, or such of them as shall remain chargeable therewith under the provisions of this act, for the benefit of such living or livings, and be payable on the same days as such land tax was payable, and the incumbent or incumbents for the time being of such living or livings, shall have and enjoy the same powers and remedies, benefits and advantages, for the recovery thereof, whether by action, suit, distress, or otherwise, as landlords by law have or can enjoy for the recovery of rents reserved on leases; and every such purchase of land tax by virtue of this act, for the benefit of such living or livings, shall be deemed valid and effectual in the law, and equivalent, to all intents, constructions, and purposes, to a purchase or purchases of lands or tithes for that purpose, any statutes of mortmain, or other statute or law to the contrary notwithstanding; and it shall also be lawful for the said governors of the bounty of queen Anne, notwithstanding any such statutes or law to the contrary, to accept and take any land tax which shall have been so purchased as a fee farm rent as aforesaid, and which shall be given or bequeathed to them by any deed, will, or otherwise, for the purpose of augmenting any such living or livings as aforesaid, and to apply the same for or towards the augmentation of such living or livings accordingly, and the incumbent or incumbents for the time being of such living or livings shall hold and enjoy such land tax, and all powers and remedies for the recovery thereof, in the same manner as if such land tax had been purchased by the said governors, and annexed to such living or livings, in pursuance of this act.

which shall issue as a fee farm out of the lands, and be annexed to the livings;

and to accept from others land tax so purchased.

CLXII. And be it further enacted, that every gift or disposition of any land tax which shall have been redeemed under the provisions of the said recited acts, or which shall be redeemed or purchased under the provisions of this act, made by the person or persons entitled thereto, by deed, will, or otherwise, for the augmentation of any living, or livings whatever, shall be valid and effectual; and such land tax shall be held and enjoyed by or for the benefit of the incumbent or incumbents for the time being, of the living or livings which shall be so augmented thereby, according to the tenor of such deed, will, or instrument of gift; any statutes of mortmain or other statute or law to the contrary notwithstanding.

Gifts of land tax redeemed or purchased for augmentation of livings shall be valid

43 GEORGE 3, CAP. 51.—*An act to render more effectual an act passed in the forty-second year of his present majesty's reign, for consolidating the provisions of the several acts passed for the redemption and sale of the land tax.*

45 GEORGE 3, CAP. 77, SEC. 1.—*An act to amend and render more effectual an act passed in the forty-second year of his present majesty's reign, for consolidating the provisions of the several acts passed for the redemption and sale of the land tax into one act.*—Whereas an act

42 G. 3, c. 116. passed in the forty-second year of his present majesty's reign, intituled *an act for consolidating the provisions of the several acts passed for the redemption and sale of the land tax into one act; and for making further provisions for the redemption and sale thereof; and for removing doubts respecting the rights of persons claiming to vote at elections for knights of the shire, and other members, to serve in parliament, in respect of messuages, lands, or tenements, the land tax upon which shall have been redeemed or purchased*: and whereas it is expedient that the said act should be amended and rendered more effectual in some respects, be it therefore enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that where the land tax charged upon the glebe lands, tithes, or other profits, of any living, shall have been, or shall be redeemed or purchased by the patron or patrons, or any former incumbent thereof, or by any other person or persons, it shall be lawful for the incumbent for the time being of such living, to treat and agree for the purchase of an assignment of such land tax, for the benefit of such living: and (for the purpose of raising money to purchase such assignment from such patron or patrons, or former incumbent, or other person or persons, his, her, or their heirs, executors, administrators, or assigns). to carry into execution all and every, or any of the powers which by the said recited act are given in order to raise money by sale, mortgage, or grant, for the redemption of land tax, in such and the same manner, and under and subject to such and the same rules, restrictions, and regulations, in all respects as such incumbent for the time being might have carried into execution, the same powers for the purpose of redeeming such land tax, in the first instance, and the land tax so assigned shall forthwith become merged and extinguished for the benefit of such living: provided always, that the monies to arise from any such sale, mortgage, or grant, shall not be paid into the bank of *England*, or to any receiver general or collector, but the same, or so much thereof as shall be requisite, shall, under the order of any two of the commissioners appointed, or to be appointed, for the purposes of the said recited act, under the great seal, be paid to the person or persons assigning such land tax, whose receipt or receipts, in pursuance of such order, shall effectually discharge the respective purchasers or mortgagees; and the remainder of such monies, in case any such shall be, after payment of the costs and expenses which shall have been incurred on account of such sale, mortgage, or grant and assignment, and have been allowed by the said commissioners, shall, in pursuance of the like order, be paid into the bank of *England*, or to the receiver general or collector, as the case may require, and be applied in like manner as in the said recited act is directed in the case of monies arising from sales, mortgages, or grants, made for the purpose of purchasing assignments of land tax, under the said act: provided also, that no such assignment of land tax, or any such deed of sale, mortgage, or grant, in pursuance of this act, shall be liable to any stamp duty whatever.

Incumbent for the time being may purchase an assignment of the land tax redeemed by the patron or former incumbent for the benefit of such living. [See 42 G. 3, c. 116, sec. 91.]

Money arising by such sale, need not be paid into the bank, but shall be paid to the assignor.

Assignments not liable to stamp duty.

46 GEORGE 3, CAP. 133, SECS. 2 & 3.—*An act to amend an act passed in the forty-second year of his present majesty, for consoli-*

*dating the several acts passed for the redemption and sale of the land tax, and to make further provision for exonerating small livings and charitable institutions from the land tax.*

II. Whereas the profits already arising to the public from the redemption of land tax by bodies politic and corporate, and companies, and feoffees and trustees for charitable and other public purposes, by sales under the authority of the commissioners appointed by letters patent under the great seal of *Great Britain*, for the purposes of regulating, directing, approving, and confirming such sales, amounts to a very large sum, and is likely to be considerably increased by further sales, and contracts for sale, for the redemption of land tax, under the authority of the said commissioners : and whereas it may be expedient to augment the income of small livings, or other ecclesiastical benefices, and of charitable institutions, by exonerating the same from the land tax charged on the messuages, lands, tenements, or other hereditaments, belonging to such livings or other ecclesiastical benefices, or charitable institutions, in the manner herein mentioned ; be it therefore further enacted, that it shall and may be lawful for the commissioners appointed or to be appointed by letters patent under the great seal of *Great Britain* for the purposes aforesaid, at any time within the space of two years after the passing of this act, to direct the exoneration and discharge of the land tax, charged upon the messuages, lands, tenements, and other hereditaments, belonging to any livings, or other ecclesiastical benefices, or charitable institutions, in cases where the whole clear annual income of such livings or other ecclesiastical benefices, or charitable institutions, shall not exceed the sum of one hundred and fifty pounds without the transfer or payment of any consideration for the same, in the manner, and under the directions and restrictions in this act mentioned ; provided that the annual amount of land tax to be exonerated by virtue of this act under the direction of the said commissioners, without the transfer or payment of any consideration, shall not exceed the sum of six thousand pounds.

Commissioners (appointed under 42 G.3, c. 116, sec. 72), may exonerate small livings and charitable institutions from the land tax, without any consideration.

III. And be it further enacted, that every incumbent of any such living or other ecclesiastical benefice, and all feoffees or trustees of any such charitable institution, who shall be desirous that the messuages, lands, tenements, or other hereditaments, belonging to such living, or ecclesiastical benefice, or charitable institution, should be exonerated from land tax under the provisions of this act, shall, within six calendar months after the passing of this act, transmit a memorial to the said commissioners, verified in such manner as they shall require and direct, stating the nature and description of the property, or other funds or sources from whence the income of such living or ecclesiastical benefice, or charitable institution is derived, and the amount of income derived from each respectively ; and shall also at the same time transmit to the said commissioners a certificate or certificates, signed by two or more of the commissioners of land tax or supply, acting for the hundred, ward, lathe, wapentake, rape, or other division of the county, riding, city, borough, cinque port, town, or place, within which the messuages, lands, tenements, or hereditaments, belonging to such living or other ecclesiastical benefice, or charitable institution, shall be situate, which certificate or

Incumbents of such livings and trustees of charities shall transmit statements of the income of such living or charity, and certificates of the amount of land tax within six months :



or six months  
further un-  
der order of  
commission-  
ers.

certificates such last mentioned commissioners are hereby authorized and required to grant, containing a description in writing of the messuages, lands, tenements, or hereditaments, belonging to such living, or other ecclesiastical benefice, or charitable institution, and the name of the parish or place, or parishes or places, within which the same shall be situate, and the amount or amounts of land tax charged thereon: provided always, that it shall be lawful for the said commissioners, appointed by letters patent under the great seal, if they shall deem it expedient, to enlarge the time by this act limited for the transmission of memorials and certificates as aforesaid, for any further period not exceeding six months from the expiration of the period by this act limited as aforesaid; and all memorials and certificates which shall be transmitted to the said commissioners within such extended period, shall be as valid and effectual to enable the exoneration of land tax, under the provisions of this act, as if the same had been transmitted within the period herein prescribed.

46 G. 3, c. 133,  
sec. 2.

49 GEORGE 3, CAP. 67.—*An act to amend an act passed in the forty-sixth year of his present majesty, for the redemption and sale of the land tax, and to make further provision for exonerating small livings and charitable institutions from the land tax.*—Whereas by an act passed in the forty-sixth year of the reign of his present majesty, intituled *an act to amend an act passed in the forty-second year of his present majesty, for consolidating the several acts passed for the redemption and sale of the land tax, and to make further provision for exonerating small livings and charitable institutions from the land tax*, after reciting that the profits arising to the public from the redemption of land tax by bodies politic and corporate, and companies and feoffees and trustees for charitable and other public purposes, by sales under the authority of the commissioners appointed by letters patent under the great seal of *Great Britain*, for the purpose of regulating, directing, approving, and confirming such sales, amounted to a very large sum, and was likely to be considerably increased by further sales and contracts for sale for the redemption of land tax under the authority of the said commissioners, and that it might be expedient to augment the income of small livings or other ecclesiastical benefices, and of charitable institutions, by exonerating the same from the land tax charged on the messuages, lands, tenements, or other hereditaments belonging to such livings or other ecclesiastical benefices or charitable institutions in the manner therein mentioned, it was enacted, that it should and might be lawful for the commissioners appointed or to be appointed by letters patent under the great seal of *Great Britain* for the purposes aforesaid, at any time within the space of two years after the passing of the said act, to direct the exoneration and discharge of the land tax charged upon the messuages, lands, tenements, and other hereditaments belonging to any livings, or other ecclesiastical benefices or charitable institutions in cases where the clear annual income of such livings or other ecclesiastical benefices or charitable institutions should not exceed the sum of one hundred and fifty pounds, without the transfer or payment of any consideration for the same, in the manner and under the directions and restrictions in the said act

mentioned, provided that the annual amount of land tax to be exonerated by virtue of the said act, under the direction of the said commissioners without the transfer or payment of any consideration should not exceed the sum of six thousand pounds: and whereas it appears from the proceedings of the said commissioners in the execution of the powers and authorities vested in them by the said act, of which proceedings a statement has been laid before parliament, pursuant to the provisions for that purpose in the said act contained, that they have directed the exoneration and discharge of the land tax charged upon messuages, lands, tenements, and other hereditaments belonging to one thousand two hundred and sixty-three livings or other ecclesiastical benefices, and to two hundred and eight charitable institutions in cases where the clear annual amount of such livings or other ecclesiastical benefices and charitable institutions do not exceed the sum of one hundred and fifty pounds, without the transfer or payment of any consideration in the manner and under the directions and restrictions in the said act mentioned, and that the annual amount of land tax which has been so exonerated is only five thousand six hundred and seventy pounds six shillings and three-pence three farthings: and whereas the time limited by the said act, for transmitting to the said commissioners the memorials which were required by the said act, in order to entitle the parties claiming such exoneration to the benefit thereof is expired: and whereas the profits arising to the public from the redemption of land tax by bodies politic and corporate and companies and feoffees and trustees for charitable and other public purposes, have been considerably increased by further sales and contracts for sale for the redemption of land tax under the authority of the said commissioners since the time of passing the said recited act, and much benefit to the public may be expected if such redemption of land tax by bodies politic and corporate, and companies and feoffees, and trustees for charitable and other public purposes, shall continue to be made under the provisions and authorities to that effect, in the said act of the forty-second year of his present majesty's reign contained: and whereas it is expedient further to extend the benefits of the said recited act of the forty-sixth year of his present majesty's reign to such other livings or other ecclesiastical benefices or charitable institutions in cases where the whole clear annual income thereof does not exceed the sum of one hundred and fifty pounds as have not yet had the benefit of the said recited act; be it therefore enacted by the king's most excellent majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the said commissioners at any time within the space of eighteen calendar months after the passing of this act to direct the exoneration and discharge of the land tax charged upon such messuages, lands, tenements, or other hereditaments in the manner and under the directions and restrictions, as in the said recited act of the forty-sixth year of his present majesty are mentioned, provided that the annual amount of land tax to be exonerated by virtue of this act, shall not, together with the before mentioned annual sum of five thousand six hundred

1263 benefices and 208 charities exonerated under recited act from land tax, amounting to £5670 6s. 3½d.

Sec. 3.

Commissioners appointed under the great seal, may within 18 months exonerate from the land tax (not exceeding £8000 per annum) messuages belonging to

small livings and charitable institutions; as under 46 G. 3, c. 133.

and seventy pounds six shillings and three-pence three farthings, exceed the total yearly sum of eight thousand pounds: provided also, that memorials, such as were directed by the said act of the forty-sixth year of his present majesty to be transmitted to the said commissioners, and which must be verified in such manner as they shall require and direct, and also the certificates directed thereby to be transmitted to the said commissioners, signed by two or more commissioners of land tax, which certificates such said last mentioned commissioners were by the said act and are hereby authorized and required to grant, and shall be so transmitted to the said commissioners appointed under the great seal of *Great Britain*, within twelve months after the passing of this act.

Commissioners may by endorsement on the certificate of land tax, declare the lands exonerated therefrom. Sec. 3. Such certificates of exoneration shall be registered gratis. Sec. 4. Proceedings of commissioners shall be laid before parliament before close of the session 1811. Sec. 5. Deeds enrolled or registered at any time before the passing of this act, or within twelve months after, declared valid. Sec. 6. Powers of recited acts extended to this act. Sec. 7.

- 46 G. 3, c. 133. 50 GEORGE 3, CAP. 58, SECS. 1 & 2.—*An act to amend several acts for the redemption and sale of the land tax.*—Whereas by an act passed in the forty-sixth year of the reign of his present majesty, intituled *an act to amend an act passed in the forty-second year of his present majesty, for consolidating the several acts passed for the redemption and sale of the land tax, and to make further provision for exonerating small livings and charitable institutions from the land tax*, the commissioners appointed or to be appointed by letters patent under the great seal of *Great Britain*, for the purpose of regulating, directing, approving and confirming sales for the redemption of the land tax, were authorized at any time within the space of two years after the passing of the said act to direct the exoneration and discharge of the land tax charged upon the messuages, lands, tenements and other hereditaments belonging to any livings or other ecclesiastical benefices or charitable institutions under the restrictions and regulations therein contained: and whereas by an act passed in the forty-ninth year of the reign of his present majesty for amending the said last mentioned act, and for making further provision for exonerating small livings and charitable institutions from the land tax, it was enacted that it should and might be lawful for the said commissioners at any time within the space of eighteen calendar months, after the passing the said act, to direct the exoneration and discharge of the land tax charged upon such messuages, lands, tenements or other hereditaments, in the manner and under the directions and restrictions in the said act mentioned or referred to: and whereas it is expedient to extend the term limited by the said last mentioned act for carrying the purposes thereof into execution, be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the said commissioners, at any time within the space of one year from the passing of this act, to direct the exoneration and discharge of the land tax charged upon
- Sec. 2.
- 49 G. 3, c. 67.
- Sec. 1.
- Time extended.

such messuages, lands, tenements or other hereditaments as aforesaid, in such manner and under such directions and restrictions as in the said act of the forty-ninth year of his present majesty are expressed or referred to, in such and the same manner as if such commissioners had been authorized by the said last mentioned act to direct the exoneration and discharge of such land tax, at any time within the space of two years from the passing thereof; provided that all such memorials and certificates as by the said act are required to be transmitted to the said commissioners, shall be transmitted within twelve calendar months from the passing of this act.

II. And whereas by an act passed in the forty-second year of the reign of his present majesty, intituled *an act for consolidating the provisions of the several acts passed for the redemption and sale of the land tax into one act, and for making further provision for the redemption and sale thereof; and for removing doubts respecting the right of persons claiming to vote at elections for knights of the shire and other members to serve in parliament in respect of messuages, lands or tenements, the land tax upon which shall have been redeemed or purchased*, all corporations aggregate are enabled by the sale of lands, or by the grant of rent charges, to provide for the redemption of the land tax charged on the glebe lands, tithes and other profits of any living or livings in the patronage of such corporations aggregate respectively, in cases where such land tax shall have been or shall be redeemed by or on behalf of such corporations aggregate; and it is expedient that similar powers should be given to corporations sole and to companies; be it therefore further enacted, that where the land tax charged upon the glebe lands, tithes or other profits of any living or livings in the patronage of any archbishop, bishop, or other corporation sole, or any company or companies, shall have been or shall be redeemed by or on the behalf of any such bodies politic or corporate or companies, by virtue of any of the provisions of the said recited acts or of this act, it shall be lawful for any such archbishop, bishop or bodies politic or corporate, whether sole or aggregate or companies, to provide for such redemption by sale of any lands, tenements or hereditaments belonging to such archbishop, bishop or bodies politic or corporate, whether sole or aggregate, or companies respectively, or by the grant of any rent charge which they could or might respectively lawfully make for the redemption of any land tax charged on the lands belonging to such archbishop, bishop or bodies politic or corporate, whether sole or aggregate or companies, and the land tax so redeemed shall be forthwith extinguished; but every such archbishop, bishop or body politic or corporate, whether sole or aggregate or company, shall nevertheless be entitled to an annual rent charge, issuing out of such living equivalent to the amount of the land tax redeemed, unless it shall be declared in writing under the seal or common seal of the archbishop, bishop, body or bodies politic or corporate, whether sole or aggregate or companies, having such right of patronage or nomination at the time of presenting or nominating any clerk or clerks to such living or livings, that such rent charge shall be suspended during his or their incumbency or respective incumbencies, which declaration the archbishop, bishop, body or bodies politic or corpo-

42 G.3, c.116.

Sec. 78.

Provision for redemption by sale of part of such lands, &c.

Rent charge paid equivalent to land tax redeemed

if not declared to be suspended during incumbency.

rate, whether sole or aggregate or companies, entitled to nominate to such living or livings, shall from time to time be competent to make: provided always, that such suspension shall be without prejudice to the right of the said archbishop, bishop, body or bodies politic or corporate or companies respectively, to recover such rent charge after the next or any future avoidance: provided also, that any declaration made by any such archbishop, bishop, bodies politic or corporate, whether sole or aggregate or companies, at the time of redeeming the said land tax, shall be as available during the incumbency of the then rector, vicar or curate, as if it had been made at the time of his being preferred to such living.

52 GEORGE 3, CAP. 80.—*An act for extending the period in which deeds were directed to be enrolled by an act of the fiftieth year of his present majesty, for amending several acts for the redemption and sale of the land tax.*

53 GEORGE 3, CAP. 123, SECS. 26—30, 32—34, 38 & 40.—*An act to amend and render more effectual several acts passed for the redemption and sale of the land tax.*

Sales already made of lands belonging to one of two consolidated livings, for redeeming land tax on both livings, confirmed; and similar sales authorized:

In case of disunion, incumbent of living, land of which has been sold, entitled to a rent charge.

Patrons of livings under sequestration, or where incumbent is outlawed, may redeem.

XXVI.—Whereas in some cases in which one living hath been united to and consolidated with another living, part of the lands or other hereditaments belonging to one of such livings hath been sold for the purpose of redeeming the land tax charged upon the lands, tithes and other hereditaments of both of such livings; and it is expedient that such sales should be confirmed, and that future sales for the like purpose should be authorized; and that due provision should be made in the event of the disunion of such livings; be it therefore further enacted, that all such sales as have been so made as last mentioned, and all contracts that have been entered into for any such sales, shall be and the same are hereby confirmed; and that all such sales as shall hereafter be made of any land or other hereditaments belonging to any living united to or consolidated with any other living, for the purpose of redeeming the land tax charged on the glebe lands and other hereditaments belonging to both such livings, shall be as valid and effectual as if the same had been made merely for redeeming the land tax charged on the lands and other hereditaments of the living, any land belonging to which shall be so sold and as if such living had not been united to or consolidated with any other living: but that in case any consolidated livings, the land tax charged upon which hath been so redeemed as aforesaid, or shall hereafter be redeemed, shall at any time hereafter become disunited and held by different incumbents, either by reason of the want of lawful consent to the union thereof, or from any other cause, the incumbent for the time being of the living, by sale of any lands belonging to which such land tax hath been or shall be redeemed, shall be entitled to an annual rent charge issuing out of the other of such livings, equivalent to the amount of the land tax charged thereon at the time of such redemption as aforesaid.

XXVII. And be it further enacted, that in all cases in which the profits of any livings are or shall be under sequestration (whether there shall or not be any incumbent thereof), or any incumbents of any livings are or shall be outlawed, it shall be lawful for the sequestrator of such living, with the consent of the college, cathedral

church, bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, or other person or persons, having the patronage of such livings respectively, and with the consent of the ordinary, or it shall be lawful for such patron or patrons as aforesaid, with the consent of the ordinary, at any time during the continuance of such sequestration, or until such outlawry shall be reversed, to contract and agree, for the benefit of such living, for the redemption of the land tax charged upon the glebe land, tithes or other profits of any such living, and to provide for such redemption by sale or mortgage of any of the glebe lands, tithes or other hereditaments belonging to such living, or by grant of any rent charge thereout, in such and the same manner in all respects as any incumbent of such living could or might have done under the provisions of the said act of the forty-second year of his present majesty, in case the profits of such living or livings had not been sequestered, or such incumbent or incumbents had not been outlawed.

XXVIII. And be it further enacted and declared, that where any bodies politic, corporate or collegiate, or companies, or feoffees or trustees for charitable or other public purposes, or any other person or persons, who by the said act of the forty-second year of his present majesty, or this act, are authorized to redeem the land tax charged upon livings in their patronage, shall be entitled to an alternate right of patronage to any living or livings, the land tax charged upon which shall not have been redeemed by the incumbent or incumbents of such living or livings, it shall be lawful for the body politic, corporate or collegiate, or companies, or feoffees or trustees, or other person or persons entitled to any such alternate right of patronage, who shall first apply to the commissioners for executing this act for that purpose, to contract and agree for the redemption of the land tax charged upon the glebe lands, tithes or other profits of such living or livings, in the same manner as such bodies, companies or other persons so applying, if entitled to the exclusive patronage to such living, might have contracted to redeem the same under the provisions of the said act of the forty-second year of his present majesty; and it shall be lawful for all such bodies, companies or other persons to provide for such redemption by sale of any lands, tenements, or hereditaments, belonging to them respectively, or by the grant of any rent charge thereout, as they respectively could or might lawfully make under the said act of the forty-second year of his present majesty, for the redemption of any land tax charged on the lands belonging to them respectively; and the land tax so redeemed shall be forthwith extinguished; but every such body, company or other person or persons by whom or on whose behalf such land tax shall be so redeemed, and their respective heirs and successors, shall nevertheless be entitled to an annual rent charge issuing out of such living, equal to the amount of the land tax redeemed; unless it shall be declared in writing under the common seal, or seal of the bodies or companies, or their respective successors, or under the hands of such other person or persons, or their respective heirs, at the time of presenting or nominating any clerk or clerks to such living or livings, that such rent charge shall

Patrons of livings having an alternate right of presentation, may contract for redemption of land tax thereon not redeemed by incumbents.

be suspended during his or their incumbency or respective incumbencies; which declaration the bodies or companies, or other person or persons, for the time being entitled to nominate to such living or livings, shall from time to time be competent to make: provided always, that such suspension shall be without prejudice to the right of such bodies or companies, or other persons, and their respective heirs and successors, to recover such rent charge after the next or any future avoidance: provided also, that any declaration made by such bodies or companies, or other person or persons at the time of redeeming such land tax shall be as available during the incumbency of the then rector, vicar or curate, as if it had been made at the time of his being presented to such living.

45 G. 3, c. 77  
s. 1.

XXIX. And whereas by an act passed in the forty-fifth year of his present majesty, to amend and render more effectual the said act of the forty-second year of his present majesty, it was enacted, that where the land tax charged upon the glebe lands, tithes or other profits of any living, should have been or should be redeemed or purchased by the patron or patrons, or any former incumbent thereof, or by any other person or persons, it should be lawful for the incumbent for the time being of such living, to treat and agree for the purchase of an assignment of such land tax for the benefit of such living; and for the purpose of raising money to purchase such assignment to carry into execution the powers which by the said act of the forty-second year of his present majesty are given in order to raise money by sale, mortgage or grant, for the redemption of land tax; provided that the monies to arise from any such sale, mortgage or grant, or so much thereof as should be requisite, should, under the order of any two of the commissioners appointed under the great seal as aforesaid, be paid to the person or persons assigning such land tax, and the remainder of such monies, in case any such should be, after payment of the costs and expenses which should have been incurred on account of such sale, mortgage or grant and assignment, should in pursuance of the like order be paid into the bank of *England*, or to the receiver general or collector as the case might require, and be applied in like manner as by the said act of the forty second year of his present majesty is directed in the case of monies arising from sales, mortgages or grants, made for the purpose of purchasing assignments of land tax under that act: and whereas it is doubtful whether incumbents of livings can, after having purchased with their own money an assignment of the land tax, raise money by sale, mortgage or grant, for the purpose of reimbursing any sum of money that may have been laid out by them in the purchase of such assignment; and it is expedient that such power should be given; be it therefore further enacted, that in all cases wherein any incumbent for the time being of any living shall purchase an assignment of the land tax charged upon the glebe lands, tithes or other profits of such living, from the patron or patrons or former incumbent of such living, or from any other person who shall have redeemed or purchased the same, or from his, her, or their heirs, executors, administrators or assigns, it shall be lawful for such incumbent for the time being, for the purpose of reimbursing any sum of money which shall have been paid by him out of his own money

Incumbents  
of livings,  
land tax  
charged on  
which re-  
deemed, &c.  
by prior in-  
cumbent, &c.  
may, after  
purchasing  
an assign-  
ment of land  
tax, raise

as the consideration for any such assignment, to carry into execution all and every or any of the powers which by the said act of the forty-fifth year of his present majesty are given, in order to raise money by sale, mortgage or grant, for the purpose of purchasing an assignment of such land tax : provided always, that the monies to arise from any such sale, mortgage or grant, to be made by virtue of this act, or so much thereof as shall be requisite, shall, under the order of any two of the commissioners appointed or to be appointed under the great seal of *Great Britain* as aforesaid, be paid to such incumbent for the time being, whose receipt in pursuance of such order shall be an effectual discharge to the respective purchasers or mortgagees ; and the remainder of such monies, in case any such shall be, shall be paid and applied in such and the same manner as by the said act of the forty-fifth year of his present majesty is directed concerning the remainder of the monies arising by the sales, mortgages or grants thereby authorized to be made.

money by sale, &c. of glebe to reimburse himself.

XXX. And be it further enacted, that where the land tax charged upon the glebe land, tithes or other profits of any living, hath been redeemed by the patron or patrons, or any former incumbent thereof, or by any other person or persons, and the incumbent for the time being of such living hath, under the powers contained in the said act of the forty-fifth year of his present majesty, purchased an assignment of such land tax, for the benefit of such living, every such assignment shall, and the same is hereby required to be transmitted within six calendar months after the passing of this act to the officer appointed for the registry of contracts for redemption of the land tax, and that whenever any incumbent for the time being of any living, the land tax charged upon the glebe land, tithes or other profits whereof has been or shall be redeemed or purchased by the patron or patrons, or any incumbent thereof, shall, under the provisions of the said act of the forty-fifth year of his present majesty, or of this act, purchase an assignment of such land tax, for the benefit of such living, every such assignment shall, within six calendar months after the date thereof, be in like manner transmitted to such officer for the registry of contracts ; and such officer shall, upon the production to him of every such assignment as aforesaid, register the same *gratis* ; and a copy of the registry of such assignment signed by such officer, shall be allowed in all courts and places, and before all persons, to be good and sufficient evidence of such assignments, and no copy of the registry thereof shall be liable to any stamp duty.

Assignments of land tax already purchased by incumbents from patrons or other persons who have redeemed land tax charged on livings registered within six months.

Future assignments registered within six months from date of contract.

XXXII. And be it further enacted, that whenever the governors of the bounty of queen *Anne*, for the augmentation of the maintenance of the poor clergy, shall have appropriated any sum or sums of money to or for the benefit of any living or livings, or the incumbent or incumbents of any living or livings, which the said governors shall have already agreed or shall agree to augment within the meaning and under the provisions of the charter granted in the reign of queen *Anne*, or any act or acts in force at the time of passing this act, it shall be lawful for the incumbent or incumbents of the said living or livings, by the directions of the said governors, to contract and agree for the purchase of land tax, on the same terms and conditions, and in the manner directed by the said act passed

Stamp duty. Incumbents of augmented livings, with consent of governors of queen Anne's bounty may contract for purchase of land tax.



in the forty-second year of the reign of his present majesty; and it shall be lawful for the said governors to apply the said sum or sums so appropriated, or any part or parts thereof, in satisfaction or in payment of the consideration stipulated in such contracts; and the said incumbent or incumbents of the said living or livings to be so augmented, from the period of the exoneration of such land tax purchased by them respectively, and their respective successors for the time being for ever, shall be entitled to and shall be in the actual seizin and possession of a fee farm rent, equal in amount to the land tax so purchased, to be issuing and payable out of the manors, messuages, lands, tenements or hereditaments, whereon the land tax so purchased was charged, on the same days as such land tax was payable before the time of the purchase thereof, and enjoy all such powers, remedies and advantages, for the recovery of such fee farm rents as are given to purchasers of land tax by the said act last mentioned.

46 G. 3, c. 133,  
s. 2.  
49 G. 3, c. 67,  
s. 1.  
50 G. 3, c. 58,  
s. 1.

XXXIII. And whereas several acts were passed in the forty-sixth, forty-ninth and fiftieth years of the reign of his present majesty, authorizing the commissioners appointed by letters patent under the great seal of *Great Britain*, to direct the exoneration and discharge of the land tax charged upon the messuages, lands, tenements or other hereditaments belonging to livings or other ecclesiastical benefices or charitable institutions in the manner and under the directions in the said acts respectively mentioned or referred to; and pursuant to the powers so vested in the said commissioners, they have exonerated and discharged the land tax charged upon the messuages, lands, tenements and other hereditaments belonging to several small livings and charitable institutions: and whereas it may be expedient to augment the incomes of other small livings or other ecclesiastical benefices and of charitable institutions not already exonerated from land tax, by exonerating the same from the land tax charged on the messuages, lands, tenements or other hereditaments belonging to such livings or other ecclesiastical benefices or charitable institutions, in the manner hereinafter mentioned; be it therefore further enacted, that it shall and may be lawful for the said commissioners appointed or to be appointed by letters patent under the great seal of *Great Britain*, at any time or times after the passing of this act, to direct the exoneration and discharge of the land tax charged upon the messuages, lands, tenements or other hereditaments belonging to any livings or other ecclesiastical benefices or charitable institutions, in cases where the whole clear annual income of such livings or other ecclesiastical benefices or charitable institutions shall not exceed the sum of one hundred and fifty pounds, without the transfer or payment of any consideration for the same, in the manner and under the directions and restrictions in this act mentioned.

Commissioners under great seal may exonerate small livings and charitable institutions without transfer or payment of consideration.

Incumbents to transmit statements of income of livings, and certificates of amount of land tax.

XXXIV. And be it further enacted, that every incumbent of any such living or other ecclesiastical benefice, and all feoffees or trustees of any such charitable institution, who shall be desirous that the messuages, lands, tenements or other hereditaments belonging to such living or other ecclesiastical benefice or charitable institution, should be exonerated from land tax under the provisions of this act,

shall within one year after the passing of this act transmit a memorial to the said last mentioned commissioners, verified in such manner as they shall require and direct, stating the nature and description of the property or other funds or sources from whence the income of such living or ecclesiastical benefice or charitable institution is derived, and the amount of income derived from each respectively; and shall also at the same time transmit to the said commissioners a certificate signed by the collector of the land tax acting for the district, town, parish or place, within which the messuages or other hereditaments belonging to such living or other ecclesiastical benefice or charitable institution shall be situate (which certificate such collector is hereby authorized and required to grant), containing a description in writing of the messuages or other hereditaments belonging to such living or other ecclesiastical benefice or charitable institution, and the name of the parish or place, or parishes or places within which the same shall be situate, and the amount or amounts of land tax charged thereon: provided always, that it shall be lawful for the said last mentioned commissioners, if they shall deem it expedient, to enlarge the time by this act limited for the transmission of such memorials and certificates as aforesaid, for any further period not exceeding six calendar months from the expiration of the period by this act limited as aforesaid for the transmission thereof; and all memorials and certificates which shall be transmitted to the said commissioners within such extended period, shall be as valid and effectual to enable the exoneration of land tax under the provisions of this act, as if the same had been transmitted within one year from the passing of this act.

Commissioners may enlarge time for transmitting such statements and certificates.

XXXVIII. And whereas some sales have been made and conveyances executed by bodies politic or corporate, or companies, or feoffees or trustees for charitable or other public purposes, of tithes and other hereditaments, which have not been rated to the land tax, for the purpose of redeeming the land tax charged on other hereditaments; and doubts may arise as to the validity of such sales and conveyances, and it has frequently happened that certain tithes or other hereditaments belonging to livings, have not been rated to the land tax at the time of the contract for the redemption of the land tax charged on the messuages, lands, and other hereditaments belonging to such livings respectively; and such tithes or other hereditaments so omitted to be rated, are still liable to be rated to the land tax; and it appears that in some instances certain tithes or other hereditaments belonging to livings or other ecclesiastical benefices and charitable institutions, exonerated or intended to be exonerated from the land tax, by the commissioners appointed under the great seal, by virtue of the powers contained in the said acts of the forty-sixth, forty-ninth, and fiftieth years of his present majesty, were not, at the respective times of such exoneration, rated to the land tax; and such tithes or other hereditaments, not so rated, are still liable to be rated to the land tax; be it therefore further enacted, that in all cases where any tithes or other hereditaments have been sold or conveyed by any body or bodies politic or corporate, or companies, or any feoffees or trustees for charitable or other public purposes as last aforesaid, the sales and conveyances thereof

46 G. 3, c. 133, secs. 3-5,  
49 G. 3, c. 67, secs. 1-4,  
50 G. 3, c. 58, s. 1.  
Sales by corporations confirmed, where tithes, &c. sold may not have

been rated to land tax.

Tithes, &c. discharged from land tax although not rated at time of redemption.

Lands and tithes which have been exonerated from land tax, discharged, though not rated to it at time of exonerat.

Where surplus of stock after transferring sufficient to redeem land tax on lands belonging to corporations sole; such stock, if not amounting to £1,000, to be transferred into names of such corporation and a trustee.

shall be valid and effectual to all intents and purposes whatsoever, and the tithes and hereditaments therein comprised discharged from the land tax, and all future assessments thereof, notwithstanding the tithes or other hereditaments so sold and conveyed, or any of them, may not have been at the time of such sales or conveyances rated to the land tax, and the land tax charged thereon may not have been previously redeemed or purchased: and that all such tithes and other hereditaments belonging to any livings comprised in any contract entered into for the redemption of the land tax charged on the messuages, lands, tithes, or other hereditaments belonging to any such livings, as at the time of the contract for the redemption of such land tax were not rated to the land tax, shall nevertheless be discharged from land tax, and all future assessments thereof; and further, that all such messuages, lands, tithes and other hereditaments belonging to the several livings or other ecclesiastical benefices and charitable institutions which have been, or have been intended to be exonerated from land tax, under the powers and provisions contained in the said acts of the forty-sixth, forty-ninth, and fiftieth years of his present majesty, or either of them, shall be absolutely exonerated and discharged from all land tax, from the respective periods of their exonerations and from all future assessments of land tax, notwithstanding certain portions or parts of the tithes or other hereditaments belonging to such livings or other ecclesiastical benefices or charitable institutions were not, at the respective periods of such exonerations, included in the rate or assessment to the land tax.

XL. And be it further enacted, that in all cases where there shall be any surplus of stock transferred as the consideration for, or purchased with the money arising by any sale, mortgage, or grant to be made by virtue of any of the acts passed for the redemption and sale of the land tax, or of this act, by any archbishop, bishop, rector, or vicar, or other corporation sole, for the purpose of redeeming or purchasing any land tax, (after reserving so much of such stock as shall be agreed to be transferred as the consideration for the land tax redeemed or purchased), such surplus stock shall, if the same shall not exceed one thousand pounds capital stock three *per centum* consolidated or reduced bank annuities, be transferred into the joint names of such archbishop, bishop, rector, vicar, or other corporation sole, having an interest therein, and of some person to be named by such archbishop, bishop, rector, vicar, or other corporation sole, in order that the same may be applied in such manner for the benefit of such archbishop, bishop, rector, vicar, and other corporation sole, and their respective successors, as is directed by the said act of the forty-second year of his present majesty with respect to any surplus stock not exceeding two hundred pounds principal stock; and if the consideration for the redemption or purchase of such land tax by such archbishop, bishop, rector, or vicar, or other corporation sole, shall, in the contract be stipulated to be paid in money, the surplus of such monies, if any, after reserving the consideration for the redemption or purchase of such land tax, shall, in case such surplus shall not exceed the value of one thousand pounds of such stock as aforesaid, be paid to a trustee to be named by the archbishop, bishop, rector, vicar, or other

corporation sole, having an interest in such surplus, and be by such trustee laid out in the joint names of himself and such archbishop, bishop, rector, vicar, or other corporation sole, in the purchase of stock to be applied in like manner for the benefit of such archbishop, bishop, rector, vicar, or other corporation sole, and their respective successors.

53 GEORGE 3, CAP. 142.—*An act to explain and amend several acts relative to the land tax*

54 GEORGE 3, CAP. 173, SECS. 6, 7 & 9.—*An act to alter and amend certain of the powers and provisions of several acts passed for the redemption and sale of the land tax; and for making further provision for the redemption thereof.*

VI. Be it further enacted, that for the purpose of redeeming any land tax by any rector or vicar, or for the purpose of raising any money for reimbursing the stock or money previously transferred or paid for the redemption of such land tax, or for purchasing an assignment of such land tax, under the powers and provisions of the said acts, or any of them, the land sold or proposed to be sold for those purposes, or any of them, under the powers of the said acts, or any of them, shall not necessarily be confined to such a quantity of any lands belonging to such rector or vicar, as shall appear to the commissioners authorizing the same, necessary to be sold for such purposes, but that any sale of lands hereafter to be made for any of the purposes aforesaid shall be deemed and considered good and effectual sales, notwithstanding the restrictions contained in any of the said acts, although the lands so sold, or proposed to be sold, shall appear to the said commissioners more than shall be necessary for the purposes thereof; provided the said commissioners shall be satisfied that such proposed sale shall, under all circumstances, be beneficial or likely to prove beneficial to the rector or vicar making such sale, and to their respective successors; and provided the ordinary shall signify his consent to such sale, by any writing under his hand, to be produced before the said commissioners.

Sales by rectors or vicars.

VII. And whereas it occasionally happens, that the messuages, lands, tithes or other hereditaments, belonging to livings or other ecclesiastical benefices or charitable institutions, the clear annual income arising from which does not amount to the sum of one hundred and fifty pounds, have not been rated to the land tax; be it further enacted, that it shall be lawful for the said commissioners to be appointed by letters patent under the great seal, to direct the exoneration and discharge of such livings, or other ecclesiastical benefices or charitable institutions, from any future assessment of land tax thereon, in the same manner, and under the same regulations, so far as the same are applicable, as the commissioners heretofore appointed by virtue of his majesty's letters patent were by the said act of the fifty-third year of the reign of his present majesty authorized and empowered to do in cases where the messuages, lands, tenements or hereditaments, belonging to any such livings, or other ecclesiastical benefices or charitable institutions, were or should have been rated to the land tax.

Commissioners may exonerate small livings from assessment.

53 G. 3, c. 123, sec. 33.

IX. And be it further enacted, that no surplus stock transferred or to be transferred as the consideration for, or purchased with the money

Surplus stock not transferred

without  
certificate.

arising by any sale, mortgage or grant, made or to be made by virtue of the said act of the forty-second year of his present majesty, or of any subsequent act passed for the redemption and sale of the land tax, or of this act, by any bodies politic or corporate, or companies, or feoffees, or trustees for charitable or other public purposes, or any archbishop, bishop, rector, vicar or other corporation sole, shall be transferred into the names of the accountant general of the court of chancery, or into the joint names of such trustees as aforesaid, or into the joint names of such archbishop, bishop, rector, vicar or other corporation sole, and a trustee, until the bodies politic or corporate, or companies or other persons interested therein, shall have obtained a certificate, under the hands of two or more of the said commissioners, appointed or to be appointed under the great seal of *Great Britain*, that the whole of the land tax charged, as well on the lands, tenements and hereditaments, by sale, mortgage or grant whereof such surplus stock shall arise or be produced, as on the messuages, lands, tenements or hereditaments, limited to the like uses or subject to the same trusts as the messuages, lands, and hereditaments so sold, mortgaged or charged, stood settled or limited to at the time of such sale, mortgage or charge, has been wholly redeemed or purchased, or that so much of such land tax has been redeemed or purchased, as the said commissioners shall under the circumstances of the case think reasonable.

57 GEORGE 3, CAP. 100, SECS. 1, 2, 4, 5, 7—9, 12—15, 17.—

*An act to renew the powers of exonerating small livings and charitable institutions from the land tax, and for making further provision for the redemption of the land tax.*—Whereas certain acts passed in the

46 G. 3, c. 133.  
49 G. 3, c. 67.  
50 G. 3, c. 58.  
53 G. 3, c. 123.

forty-sixth, forty-ninth, fiftieth and fifty-third years of his present majesty, relating to the redemption of the land tax, authorized the commissioners appointed by his majesty's royal letters patent under the great seal of *Great Britain* for carrying into effect certain powers and provisions of the land tax redemption act, to direct the exonerat and discharge of the land tax charged upon hereditaments belonging to livings or other ecclesiastical benefices or charitable institutions, in the manner and under the directions in the said recited acts respectively mentioned or referred to; and, pursuant to the powers so vested in the said commissioners, they have exonerated and discharged the land tax charged upon the hereditaments belonging to several small livings and charitable institutions: and whereas it may be expedient to augment the incomes of other small livings, or other ecclesiastical benefices, and of charitable institutions not already exonerated from land tax, by exonerating the same from the land tax charged on the hereditaments belonging thereto respectively in the manner hereinafter mentioned: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for any two or more of the commissioners appointed or to be appointed by his majesty by his royal letters patent under the great seal, pursuant to a provision contained in an act passed in the fifty-fourth year of his said majesty's reign, intituled *an act to alter and amend certain of the powers and provisions*

Commissioners under great seal pursuant to 54 G. 3, c. 173, s. 2, may exonerate small

*of several acts passed for the redemption and sale of the land tax, and for making further provision for the redemption thereof*, at any time or times after the passing of this act, to direct the exoneration and discharge of the land tax charged upon the messuages, lands or other hereditaments belonging to any livings or other ecclesiastical benefices or charitable institutions, in cases where the whole clear annual income of such livings or other ecclesiastical benefices or charitable institutions respectively shall not exceed the sum of one hundred and fifty pounds, without the transfer or payment of any consideration for the same, in the manner and under the directions and restrictions in this act mentioned.

II. And be it further enacted, that every incumbent of any such living or other ecclesiastical benefice, and all feoffees or trustees of any such charitable institution, who shall be desirous that the hereditaments belonging to such living or other ecclesiastical benefice or charitable institution should be exonerated from land tax under the provisions of this act, shall, within two years after the passing of this act, transmit a memorial to the said commissioners, verified in such manner as they shall require and direct, stating the nature and description of the property or other funds or sources from whence the income of such living or ecclesiastical benefice or charitable institution is derived, and the amount of income derived from each respectively; and shall also at the same time transmit to the said commissioners a certificate, signed by the clerk to the commissioners of the land tax acting for the district, town, parish or place within which the hereditaments belonging to such living or other ecclesiastical benefice or charitable institution shall be situate (which certificate such clerk is hereby required to grant), containing a description in writing of such hereditaments, and the name of the parish or place, or parishes or places, within which the same shall be situate, and the amount or amounts of the land tax charged thereon.

IV. And be it further enacted, that it shall be lawful for the said commissioners, by writing under their hands, to certify and declare that all the hereditaments belonging to any such livings or other ecclesiastical benefices or charitable institutions as aforesaid shall be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof; and such hereditaments shall thereupon, and notwithstanding it may afterwards appear that any of them, or any part thereof, were omitted to be rated to the land tax at the time such certificate of land tax shall have been obtained, be wholly freed and exonerated from all land tax and all further assessments thereof, from such of the quarterly days of payment of land tax as shall next precede the day on which such certificate of exoneration shall be left at the proper office, for the purpose of being duly registered in the manner hereinafter prescribed.

V. And whereas in some instances the governors of the bounty of queen *Anne*, for the augmentation of the maintenance of the poor clergy, have augmented small livings by appropriating, for the benefit of such livings respectively, undivided shares in farms, lands or other hereditaments rated to the land tax in one entire sum, in which case the rent payable from the tenant or tenants thereof is

livings and charitable institutions, not exceeding £150 a year, from land tax, without transfer or payment of consideration.

Incumbents, &c. to transmit statements to be verified of income of livings, &c. and certificates of hereditaments, &c. and amount of land tax.

Commissioners may by writing certify that lands are exonerated from land tax. Such lands free though omitted to be rated at the time certificate obtained.

Commissioners may exonerate from land tax farms with which two or more livings have been jointly augmented under queen Anne's bounty; upon application of one incumbent;

and may certify.

Commissioners may exonerate livings under £150, not assessed to the land tax, from liability to be assessed.

Statement of proceedings as to exoneration to be laid before parliament.

Proviso for delay arising from defect of form, &c.

received by the respective incumbents of such augmented livings, according to the shares with which their respective livings have been augmented, on their allowing to the tenant or tenants a like proportionate share of the land tax payable in respect of such farms, lands or other hereditaments; now be it further enacted, that it shall be lawful for the commissioners appointed or to be appointed by letters patent under the great seal, at any time within two years after the passing of this act, to direct the exoneration and discharge of the land tax charged upon any farm, lands or other hereditaments with which two or more livings have been so jointly augmented as aforesaid, upon the application of the incumbent or incumbents of any one or more of such livings, and whether the incumbent or incumbents of the other living or livings shall or shall not join in such application, in case it shall appear to the said commissioners, by the production of such evidence as they may require and think satisfactory, that the clear annual income of no one of such livings so augmented (inclusive of the annual value of its augmentation) shall exceed the sum of one hundred and fifty pounds, without the transfer or payment of any consideration for the same, and by writing under their hands to certify and declare that the farm, lands or hereditaments with which such livings shall have been so jointly augmented, shall be wholly freed and exonerated from the land tax charged thereon, and from all further assessments thereof, in the same manner as is hereinbefore directed with respect to the exoneration of other livings from the land tax under the provisions hereinbefore contained.

VII. And whereas it occasionally happens that the hereditaments belonging to livings or other ecclesiastical benefices or charitable institutions, the clear annual income arising from which does not amount to the sum of one hundred and fifty pounds, have not been rated to the land tax; be it further enacted, that it shall be lawful for the said commissioners to direct the exoneration and discharge of the hereditaments belonging to such livings or other ecclesiastical benefices or charitable institutions respectively from any future assessment of land tax thereon, in the same manner and under the same regulations, so far as the same are applicable, as the said commissioners are by this act authorized and empowered to do in cases where the hereditaments belonging to any such livings or other ecclesiastical benefices or charitable institutions are or shall be rated to the land tax.

VIII. And be it further enacted, that a statement of the proceedings of the said commissioners, with regard to the exoneration of livings or other ecclesiastical benefices or charitable institutions from land tax, shall be laid before each of the two houses of parliament before the expiration of the session of parliament ending in the year one thousand eight hundred and twenty; but that if, by reason of any defect in the forms of any memorials or certificates by this act directed to be transmitted to the said commissioners, the proceedings of the said commissioners, so far as they may relate to the exoneration of any land tax mentioned or referred to in such memorials or certificates, shall necessarily be delayed, so as to prevent a return of their proceedings thereon before the expiration

of such session, then a statement of the proceedings of the said commissioners, with regard to the exoneration of the land tax mentioned or referred to in such last mentioned memorials or certificates, shall be laid before each of the houses of parliament before the expiration of the session ending in the year one thousand eight hundred and twenty-one.

IX. And be it further enacted, that where any tenant or lessee at a rack rent for any term or number of years, or at will, of any lands, tithes or other hereditaments belonging to any livings or other ecclesiastical benefices or charitable institutions which have been exonerated from the land tax under the provisions of the said acts of the forty-sixth, forty-ninth, fiftieth and fifty-third years of his present majesty, or any of them, or shall be exonerated from land tax under the provisions of this act, shall have been or shall be bound by agreement to pay the land tax charged thereon during the continuance of any lease or demise, or any agreement for a demise, the amount of the land tax from which such lands, tithes or other hereditaments have been or shall be so exonerated, shall, from the respective periods of such exoneration, and during the continuance of such leases or demises, be considered as rent reserved or made payable thereon, and the same shall be payable on the same days, and the same powers shall be had, used and enjoyed for the recovery thereof, and all arrears thereof, from the respective periods of such exoneration, as for the recovery of such rent when in arrear.

Where tenants at rack rent are bound to pay land tax on lands belonging to livings, &c. exonerated from land tax, the amount of land tax exonerated to be considered as rent reserved.

XII. And be it further enacted, that it shall be lawful for any ecclesiastical or lay corporations, and feoffees and trustees for charitable or other public purposes, and all other persons entitled to the patronage of any living or livings, to contract and agree for the redemption of the land tax charged on the glebe lands, tithes or other hereditaments belonging to any such living or livings, in consideration only of so much capital stock in the three pounds *per centum* consolidated bank annuities and the three pounds *per centum* reduced bank annuities, or one of them, as will yield an annuity or dividend equal in amount to the land tax so to be redeemed; any thing in the acts now in force, relating to the redemption of the land tax or any of them, to the contrary notwithstanding.

Corporations and others may redeem land tax on livings in their patronage, on transfer of stock producing a dividend equal in amount to the land tax.

XIII. And be it further enacted, that in order to provide for any such redemption by any ecclesiastical or lay corporations, or by any feoffees or trustees for charitable or other public purposes, it shall be lawful for them respectively, by and under the direction and authority of the commissioners under the great seal, to sell any hereditaments belonging to such ecclesiastical or lay corporations, or feoffees or trustees respectively, in the same manner and under the same regulations and restrictions as they respectively could or might have done under the powers and provisions of the land tax redemption acts now in force, or any of them, for the redemption of any land tax charged on the lands belonging to them respectively, or to apply for the like purpose any personal property invested in the public stocks or funds, or any legacies or voluntary donations, or any other trust money which such ecclesiastical or lay corporations, or feoffees or trustees, are authorized by the said acts or any of them to lay out in the redemption of land tax, or any surplus

Corporations &c. may sell hereditaments for redemption of land tax, or apply for that purpose trust money.



\*stock or money arisen or to arise by any sale, mortgage or grant made or to be made by any such ecclesiastical or lay corporation, or feoffees or trustees, for redeeming their land tax under the powers and provisions of the said acts or any of them.

Redemption contracts to declare their desire that the lands redeemed from land tax should not be subject to an annual rent charge, &c.

Provide if no such declaration be contained in redemption contract.

Memorials to be presented by corporations to the commissioners under the great seal previous to making any sale for redeeming such land tax.

Where land tax redeemed by archbishops, &c. out of their private monies, and there is stock standing in the name of commissioners for reduction of national debt &c. in trust

XIV. And be it further enacted, that it shall be lawful for any such ecclesiastical or lay corporations, or feoffees or trustees for charitable or other public purposes, who shall be so desirous of redeeming any land tax charged on any living or livings in their patronage, to declare in the redemption contracts respectively that they are desirous that the lands or other hereditaments, the land tax on which shall be proposed to be redeemed, shall not be subject to any annual rent charge, or to any other charge in favour of such ecclesiastical or lay corporations or feoffees or trustees, in respect of such redemption, in which case such livings respectively shall not be liable to the payment of any such annual rent charge, or to any other charge in respect of such redemption, under the provisions of any of the acts now in force relating to the redemption of the land tax; but nevertheless, if no such declaration shall be contained in such redemption contracts, the ecclesiastical or lay corporations, or feoffees or trustees redeeming such land tax, shall be entitled to an annual rent charge issuing out of the living the land tax on which shall be so redeemed, equivalent to the amount of the land tax redeemed, in the same manner as is provided in similar cases by the acts now in force relating to the redemption and sale of the land tax, and to the like powers, on presenting or nominating any clerk or clerks to such living or livings, of suspending payment of such rent charges respectively during the incumbency or incumbencies of such clerk or clerks respectively, as are by the said acts or any of them given in like cases.

XV. Provided always, and be it further enacted, that when any lands or other hereditaments shall be proposed to be sold by any ecclesiastical or lay corporation, or feoffees or trustees for charitable or other public purposes, for the purpose of redeeming any land tax under the power lastly herein contained, the ecclesiastical or lay corporation, feoffees or trustees for charitable or other public purposes, desirous of making such sales, shall present a memorial to the commissioners appointed or to be appointed under the great seal, stating their intention of making such sale and the object thereof, for the approbation of such commissioners; and such commissioners or any two of them are hereby required, if they shall approve of such sale, to certify their approbation thereof under their hands.

XVII. And be it further enacted, that where the land tax charged upon any lands, tithes or other hereditaments belonging to any archiepiscopal or episcopal see, or to any rectory or vicarage, shall have been redeemed by any archbishop, bishop, rector or vicar for the time being, by and out of the private monies belonging to such archbishop, bishop or rector or vicar, and it shall happen that any stock shall be standing in the names of the commissioners for the reduction of the national debt, or in the name of the accountant general of the court of chancery, or in the names or name of any trustees or trustee, on account or for the use of any such archi-

episcopal or episcopal see, or rectory or vicarage, which shall have arisen from any sale, mortgage or grant, and which shall not have been applied for the purposes for which such sale, mortgage or grant shall have been made, it shall be lawful for the archbishop or bishop, or rector or vicar for the time being, by and under the direction and authority of the commissioners appointed or to be appointed by letters patent under the great seal, to treat and agree with the archbishop, bishop, rector or vicar who shall have so redeemed such land tax, or with the executors, administrators or assigns of such archbishop, bishop, rector or vicar, for the purchase of an assignment from them respectively of the land tax so redeemed; and for the purpose of completing the purchase of such assignment, it shall be lawful for the said last mentioned commissioners or any two or more of them to order and direct the consideration for such purchase shall be paid or transferred by sale or transfer of a sufficient part of such stock; and the governor and company of the bank of *England*, and the said commissioners for reduction of the national debt, and the said accountant general, and also such trustees or trustee as aforesaid, are hereby respectively authorized and required, upon the production of such order, signed by any two or more of the said commissioners under the great seal, by sale or transfer of a sufficient part of such stock, to pay or transfer to the person or persons assigning such land tax the money or stock specified in such certificate; and the receipt or receipts of such person or persons shall be sufficient discharges for the money or stock so to be paid or transferred; and upon any such payment or transfer being made as hereby is directed, and upon an assignment being made of such land tax to the archbishop, bishop, rector or vicar for the time being (and which assignment shall not be liable to any stamp duty), such land tax shall forthwith become merged and extinguished for the benefit of the see or living the hereditaments belonging to which respectively or any of them shall have been charged with the said land tax.

for such see &c. as herein mentioned, on order from two commissioners such stock may be transferred to person assigning the land tax.

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SPACE LEFT,  
FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1843.



## TEMPORALITIES OF BISHOPS.

17 EDWARD 2, STAT. 1, CAP. 14.—*His prerogative in having the escheat of bishops' freehold tenants attainted of felony during the vacation.*—See Title—"ESCHEATS," vol. iii. p. 67.

1 EDWARD 3, STAT. 2, CAP. 2.—*How every person may use his woods within the forest. Seizing of bishop's temporalities.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 r.

14 EDWARD 3, STAT. 4, CAP. 3.—*No bishop's temporalities shall be seized without good cause.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 s.

14 EDWARD 3, STAT. 4, CAP. 4.—*How the temporalities of bishops shall be used in time of vacation.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 s.

14 EDWARD 3, STAT. 4, CAP. 5.—*Who shall demise bishops' temporalities during the time of vacation.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 516 t.

25 EDWARD 3, STAT. 3, CAP. 6.—*A bishop's temporalities shall not be seized for a contempt.*—See Title—"CHURCH, HER RIGHTS AND LIBERTIES," vol. i. p. 518.

1 ELIZABETH, CAP. 19.—*An act giving authority to the queen's majesty, upon the avoidance of any archbishopric or bishopric, to take into her hands certain of the temporal possessions thereof recompensing the same with parsonage impropriate and tenths.*—See Title—"AVOIDANCE OF BISHOPRICS," vol. i. p. 230.

2 JAMES 1, CAP. 3.—*An act against the diminution of the possessions of archbishoprics and bishoprics, and for avoiding of dilapidations of the same.*—Whereas all the archbishoprics and bishoprics within this realm of *England*, were in ancient times founded by his majesty's most noble progenitors, kings of this realm, and in respect thereof, his majesty is lawful and rightful patron of all and every of the same: and where also by the laws and statutes of this realm, no archbishop or bishop can make any conveyance, assurance or estate whatsoever, of any honours, castles, manors, lands, tenements or hereditaments, parcel of the possessions of his archbishopric or bishopric, or united, appertaining or belonging to any of the same, to any subject whatsoever, whereby any estate should or might pass from any archbishop or bishop, other than for term of one and twenty years, or three lives, with such reservations of rent, and in such manner and form, as by the laws and statutes are provided: his most excellent majesty understanding that divers persons have with great suit and importunity sought to frustrate the true end and intent of the said good laws and statutes in that behalf, of his christian and princely piety and care, minding so to patronize and protect the said possessions from alienation or diminution, as that the same may, according to the true intent of the founders, remain and continue in succession to the archbishops and bishops of this realm and their successors, for the better maintenance of God's true

All assurances made to the king of the lands of bishops shall be void. By the statute of 1 El. c. 19, no bishop can make any lease of his land but for 21 years, or three lives, to a subject.

religion, keeping of hospitality, and avoiding of dilapidations, and thereby for ever hereafter to avoid all suits and importunities for or concerning any of the said possessions, hath out of his own mere and godly motion, and of his blessed disposition for the public good, without all regard of any private respect, vouchsafed and is pleased, that it may be enacted and established by his majesty, by and with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled :

No bishop  
shall assure  
his land to  
the king.  
10 Co. 62.  
11 Co. 71.

II. And be it enacted and established by authority of the same, that every archbishop and bishop within this realm, and their and every of their successors, shall be from and after the end of this present session of parliament, for ever wholly and utterly disabled in law, to make, do, levy or suffer any act or acts, thing or things, whereby or by means whereof, any of the said honours, castles, manors, lands, tenements or hereditaments or any part of them, or any of them, shall or may be aliened, assured, given, granted, demised, charged, or in any sort conveyed to our said sovereign lord the king, his heirs or successors : and that all alienations, assurances, gifts, grants, leases, charges and conveyances whatsoever, from and after the end of this present session of parliament, to be done, suffered or made to our sovereign lord the king, his heirs or successors, by any archbishop or bishop, or their or any of their successors, of or out of any of the said possessions, or of or out of any part or parcel of them or any of them, and all and every confirmation and confirmations of the same, shall be from and after the end of this present session of parliament utterly void and of none effect, to all intents, constructions and purposes ; any former law, statute, act, ordinance or other matter or thing to the contrary notwithstanding. [Co. Litt. 44. a.]

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SPACE LEFT

FOR REFERENCE, IF NECESSARY,  
TO ACTS OF PARLIAMENT PASSED SUBSEQUENT TO A. D. 1845.

## TEMPORALITIES OF THE CHURCH, IRELAND.

3 & 4 WILLIAM 4, CAP. 37.—*An act to alter and amend the laws relating to the temporalities of the church in Ireland.*—Whereas it is expedient to make provision for the abolition of first fruits in Ireland, and the substitution of an annual tax in lieu thereof; and it is also expedient that compulsory assessments by vestries should be abolished in certain cases: and whereas the number of bishops in Ireland may be conveniently diminished, and the revenues of certain of the bishoprics, as well as the said annual tax, applied to the building, rebuilding, and repairing of churches and other such like ecclesiastical purposes, and to the augmentation of small livings, and to such other purposes as may conduce to the advancement of religion, and the efficiency, permanence, and stability of the united church of England and Ireland: and whereas the tenure by which church lands are held in Ireland is inconvenient, and it is expedient to alter the same in such manner as may tend to the ease and security of the church, and the advantage of the persons holding thereunder: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the commencement of this act the several acts or parts of acts hereafter mentioned shall be repealed; (that is to say), an act made in the parliament of Ireland in the twenty-eighth year of the reign of king Henry the eighth, intituled *an act for first fruits*; an act made in the parliament of Ireland in the twenty-eighth year of the reign of king Henry the eighth, intituled *an act for the twentieth part*; so much of an act made in the parliament of Ireland in the second year of the reign of queen Elizabeth, intituled *an act for the restitution of the first fruits and twentieth part, and rents reserved nomine ten or twenty, and of parsonages impropriate, to the imperial crown of this realm*, as relates to or concerns first fruits and twentieth parts, or the payment thereof; an act made in the parliament of Ireland in the second year of the reign of king George the first, intituled *an act for confirming the several grants made by her late majesty of the first fruits and twentieth parts payable out of the ecclesiastical benefices in this kingdom, and also for giving the archbishops, bishops, and other ecclesiastical persons some years time for the payment of first fruits*; so much of an act made in the parliament of Ireland in the eighth year of the reign of king George the first, intituled *an act for the better enabling of the clergy having cure of souls to reside upon their respective benefices, and for the encouragement of protestant schools within this kingdom of Ireland*, as relates to or concerns the payment of any sum of money by the trustees of first fruits therein mentioned; an act made in the parliament of Ireland in the tenth year of the reign of king George the first, intituled *an act for amending an act, intituled an act for confirming the several grants made by her late*

Acts or parts  
of acts re-  
pealed; viz.

28 H. 8, c. 8.

28 H. 8, c. 14.

2 Eliz. c. 3.

2 G. 1, c. 15.

8 G. 1, c. 12,  
s. 6.

10 G. 1, c. 7.

- majesty out of the first fruits and twentieth parts payable out of the ecclesiastical benefices in this kingdom, and also for giving the archbishops and other ecclesiastical persons four years' time for the payment of first fruits, and for incorporating the trustees and commissioners of the said first fruits; an act made in the parliament of Ireland in the*
- 29 G. 2, c. 18. *twenty-ninth year of the reign of king George the second, intituled an act for amending and making more effectual the several laws relating to the first fruits payable out of the ecclesiastical benefices in this kingdom, and for the better regulation and management of the charitable bequests of doctor Hugh Boulter, late lord archbishop of Armagh, for augmenting the maintenance of poor clergy in this kingdom; an act*
- 29 G. 3, c. 26. *made in the parliament of Ireland in the twenty-ninth year of the reign of king George the third, intituled an act for the better enforcing the payment of the first fruits chargeable on the clergy of this kingdom; also an act made in the parliament of the united kingdom in the*
- 46 G. 3, c. 60. *forty-sixth year of the reign of his late majesty king George the third, intituled an act for amending an act passed in Ireland in the twenty-ninth year of king George the second, intituled an act for amending and making more effectual the several laws relating to first fruits payable out of ecclesiastical benefices in this kingdom, and for the better regulation and management of the charitable bequest of doctor Hugh Boulter, late lord archbishop of Armagh, for augmenting the maintenance of poor clergy in this kingdom, so far only as relates to the said charitable bequest; an act made in the parliament of the united king-*
- 43 G. 3, c. 106. *dom in the forty-third year of the reign of king George the third, intituled an act to enable the commissioners of first fruits in Ireland to lend certain sums of money (interest free) to incumbents of benefices there, for the purpose of enabling them to erect or purchase glebe houses and offices convenient for their residence, and to purchase glebe lands fit and convenient for the erection of such houses and offices; and to make provision for the repayment of all loans so to be made by the said commissioners; an act made in the parliament of the united kingdom*
- 48 G. 3, c. 65. *in the forty-eighth year of the reign of king George the third, intituled an act to make more effectual provision for the building and rebuilding of churches, chapels, and glebe houses, and for the purchase of glebe lands, glebe houses, and impropriations in Ireland; an act made in the parliament of the united kingdom in the forty-ninth*
- 49 G. 3, c. 103. *year of the reign of king George the third, intituled an act to amend an act made in the last session of parliament, for making provision for the building and rebuilding of churches, chapels, and glebe houses in Ireland; so much of an act made in the parliament of the united*
- and 4 G. 4, c. 86. *kingdom in the fourth year of the reign of king George the fourth, intituled an act to amend the laws for collecting church rates and money advanced by the trustees and commissioners of the first fruits of ecclesiastical benefices, and for the improvement of church lands, in Ireland, as relates to the making, applotting, raising, levying, or enforcing any rate, assessment, or cess for or towards the repairing, building or rebuilding any churches or chapels in Ireland, or as relates to any loans made by the trustees and commissioners of the first fruits of ecclesiastical benefices in Ireland, or any instalments of sums payable to the said trustees and commissioners, or to any proceeding concerning any of the same; and the said several here-*

inbefore recited acts and parts of acts are hereby, from and after the commencement of this act, repealed accordingly, save and except so far as the said recited acts or parts of acts, or any of them, repeal the whole or any part of any other act or acts; and also save and except so far as relates to any acts, matters, and things done at any time before the commencement of this act, all which acts, matters, and things shall be and remain good, valid, and effectual, to all intents and purposes whatsoever, as if this act had not passed; and also save and except as to the recovery and application of any sum and sums of money lent or advanced under or by virtue of any of said recited acts or parts of acts, and which may now be or at any time after become due, and also save and except so far as relates to all and every the bonds or other securities for the repayment of any such sum or sums of money, all which penalties, sums of money, and bonds or other securities, not by this act otherwise provided for, shall and may be sued for, recovered, and dealt with to all intents and purposes as if this act had not been passed.

except as to the repeal of former acts; as to the recovery of penalties; or as to the recovery of monies now or hereafter due and to bonds and securities for the same.

II. And be it further enacted, that the lord primate of all *Ireland*, the lord high chancellor of *Ireland*, being a member of the united church of *England* and *Ireland*, the lord archbishop of *Dublin*, the lord chief justice of *Ireland*, being a member of the united church of *England* and *Ireland*, all now and hereafter for the time being, and also such four of the archbishops or bishops of *Ireland* as shall be appointed from time to time by his majesty in council for the time being, by warrant under the sign manual, together with three proper and discreet persons, being members of the united church of *England* and *Ireland*, two of whom to be appointed from time to time by his majesty in council by warrant under the sign manual, and the other to be appointed from time to time by the said lord primate and lord archbishop of *Dublin* for the time being, by writing under their respective hands and seals, shall be one body politic and corporate, by the name of the "Ecclesiastical Commissioners for *Ireland*," and by that name have perpetual succession and a common seal, and by that name shall and may sue and be sued, and shall have power and authority to take and purchase and hold lands, tenements, and hereditaments to them, their successors and assigns, for the purposes of this act, the statutes of mortmain, or any other act or acts, to the contrary hereof notwithstanding: provided always, that the said lord chancellor and lord chief justice, and said three other commissioners respectively, and their successors for ever, do and shall, before acting under said commission, and at the first meeting they shall respectively attend, subscribe in the book of the minutes of the proceedings of said commissioners a declaration in the words following:

Ecclesiastical commissioners to be appointed.

Commissioners to subscribe the following declaration.

I DO hereby solemnly, and in the presence of God, testify and declare, that I am a member of the united church of *England* and *Ireland*, as by law established. Witness my hand this day of

III. And be it further enacted, that the said four bishops and the said three other commissioners shall be at all times removable by his majesty in council by warrant under the sign manual; and that whenever by death, resignation, removal or otherwise, any such

His majesty in council may remove commissioners and fill up vacancies.



bishop or person shall cease to be a commissioner under this act, then and in every such case it shall and may be lawful for his majesty, by warrant as aforesaid, to appoint one other bishop or person in the place and stead of any such bishop, or in place and stead of either of such two persons appointed by his majesty, so ceasing to be such commissioner respectively; and in case of the death, resignation, or removal of said commissioner appointed by the lord primate and the archbishop of *Dublin*, it shall and may be lawful for the said lord primate and archbishop of *Dublin* for the time being to appoint another proper and discreet person in the place and stead of the person so dying, resigning, or being removed as aforesaid; and any such bishop or person so to be appointed shall accordingly be and become to all intents and purposes one of the commissioners for the purposes of this act.

Salaries to commissioners.

IV. And be it further enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors to order and appoint such salary as he or they shall deem fit to be paid to the said three persons (not being bishops) to be appointed such commissioners as aforesaid, regard being had to the nature and extent of the duties to be performed, and to the responsibility which may attach to such persons respectively.

Commissioners to appoint officers, and pay salaries and incidental expenses.

V. And be it further enacted, that it shall and may be lawful for the said commissioners to appoint, during pleasure, such secretary and treasurer, and such other subordinate officer or officers, as they in their discretion shall think necessary for the execution of the several duties and trusts hereby reposed in them; and the said commissioners shall, out of the several funds hereby vested in and made payable to them, pay such salaries as shall, pursuant to the provision hereinbefore contained, be appointed to be paid to the said three commissioners, and also such other salaries to the said secretary, treasurer, and other subordinate officer or officers as the said commissioners, by and with the approbation and consent of the lord lieutenant or other chief governor or governors, testified in writing under his or their hand or hands, shall from time to time think fit and allow; and the said commissioners shall also out of the said funds defray all such incidental charges and expenses as shall become necessary in the execution of the several powers and trusts by this act, or by any act hereafter to be passed, reposed in them.

Three commissioners to form a quorum.

VI. And be it further enacted, that all acts, matters, and things (save as hereinafter excepted) which the said commissioners are by any of the provisions of this act authorized or required to do and perform, shall and may be done and performed by any three of such commissioners: provided always, that such three commissioners be for such purpose assembled at a meeting, whereof due notice shall have been given to all the said commissioners.

As to proceedings requiring to be ratified by the common seal

VII. Provided always, and be it hereby enacted, that no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded, nor the said seal affixed to any deed or instrument, save at a meeting whereof notice shall have been in like manner given, and whereat one at least of the said episcopal commissioners shall be personally present: provided always, that in case any episcopal commissioner, being the only

episcopal commissioner present, should object to the ratification and confirmation of any such proceeding as aforesaid, or to the affixing of such seal to any deed or instrument as aforesaid, such ratification or affixing of the seal shall not take place till a subsequent meeting of the commissioners, of which due notice shall have been given.

VIII. And be it further enacted, that at each meeting of the said commissioners the commissioner first in rank and precedence there present shall preside as chairman, and in case of the equality in rank and precedence of all the commissioners so present, then the senior commissioner in the order of appointment shall so preside; and the chairman at all such meetings shall not only vote as a commissioner, but shall also, in case of the equality of votes, have the casting or decisive vote.

Who to be chairman.

IX. And be it further enacted, that the secretary or other officer of said commissioners shall keep a book, in which he shall make minutes of the proceedings of the said commissioners at their several meetings, and enter the names of the commissioners present thereat; and such entry of the proceedings at each meeting shall be signed by the chairman thereof.

Secretary to keep a book.

X. And be it further enacted, that the said commissioners shall once in every year, within fourteen days after the first day of *August*, make a report to the lord lieutenant or other chief governor or governors of *Ireland* for the time being, under the hands and seal of the said commissioners, of their proceedings under this act for the year preceding ending on such first day of *August*, and shall also return with said report an account of all their receipts and disbursements during the like period, distinguishing the specific sources from which all monies may be derived, and showing the total amount derived from each such source, together with the specific purposes to which the receipts have been applied; and such report and account shall be laid before both houses of parliament; and the said commissioners shall also, at all other times when and as thereunto required by the lord lieutenant or other chief governor or governors for the time being, deliver to him or them a report of their proceedings, and return an account of their receipts and disbursements under this act, for and during such period as they may be so required.

Commissioners to make a report to lord lieutenant, and return an account to be laid before parliament once in every year, or oftener, if required.

XI. And be it enacted, that the said commissioners shall frame and prepare such rules, orders, and bye laws, not being contrary to the provisions in this act contained, nor to the laws of that part of the united kingdom called *Ireland*, as the said commissioners shall judge most convenient for the better government of such corporation, and the management and disposal of the funds hereby vested in them for the several purposes of this act, and for the more effectual execution of the several powers and trusts hereby reposed in them; and all such rules, orders, and bye laws, being approved and confirmed by the lord lieutenant or other chief governor or governors of *Ireland*, by writing under his or their hand or hands, shall be good, valid, and effectual, and shall be sufficient in all courts to justify all persons who shall act pursuant to the same; and it shall be lawful for the said commissioners, by and with the consent and approbation of the said lord lieutenant or other chief governor, from time to time to annul or alter such rules, orders, and bye laws, or

Commissioners to make rules and bye laws, to be approved by lord lieutenant.

to make others in lieu thereof or in addition thereto, which, being duly confirmed as aforesaid, shall be good, valid, and effectual to all intents and purposes whatsoever: provided always, that no rule, order, or bye law shall be presented to the lord lieutenant or other chief governor for his approbation and confirmation unless it shall have been made by the said commissioners at one meeting, and shall afterwards have been confirmed by them at another meeting, which other meeting shall have been called upon one month's notice, wherein shall have been set forth the rule, order, or bye law proposed to be confirmed.

An account to be kept with bank of Ireland.

XII. And be it enacted, that the governors and directors of the bank of *Ireland* shall and they are hereby required to open in their books a general and such and so many particular and distinct accounts with the said commissioners, under the title of "The Ecclesiastical Commissioners for *Ireland*," as the said commissioners shall from time to time require to be kept, and to receive such lodgments and make such payments to the credit and debit of such accounts respectively, and to give and deliver such receipts and vouchers as the said commissioners shall from time to time direct.

Payments of first fruits to cease.

XIII. And be it further enacted, that from and after the commencement of this act all payments of first fruits in *Ireland* shall cease and determine for ever; and that all archbishops, bishops, archdeacons, deans, rectors, vicars, and all other ecclesiastical persons, and their successors, in *Ireland*, shall be for ever hereafter excused, acquitted, and discharged, as well against his present majesty, his heirs and successors, as against the trustees and commissioners of first fruits in *Ireland*, and all other persons whatsoever, of and from the payment of all and all manner of first fruits issuing out of ecclesiastical benefices payable by the clergy in *Ireland*, by whatsoever name the same are called, and by whatsoever right or title the same did or now may belong to the crown, or to the said trustees and commissioners, or any other person or persons: provided always, that nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any persons, their heirs, executors, or administrators, from paying and satisfying all and every the arrears of first fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any writing obligatory in force at or before the passing of this act, but that such arrears shall and may be recovered as hereafter provided.

Nothing herein to acquit persons of arrears.

Commissioners to make a valuation of all livings, &c., and levy a yearly assessment therefrom, subject to deduction mentioned hereafter; such assessment to commence from next avoidance.

XIV. And be it further enacted, that the said ecclesiastical commissioners shall make or cause to be made, and from time to time, as they shall think necessary, amend or cause to be amended, a valuation, in which valuation allowance shall be made for the deduction hereinafter mentioned, of all and every the revenues, rents, farms, tithes, composition for tithes, estates, demesnes, glebe and other lands, offerings, emoluments, and all other profits, spiritual or temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any archbishopric, bishopric, archdeaconry, deanery, prebend, cathedral church, collegiate church, spiritual corporations, aggregate or sole, parsonage not impropriate, vicarage, benefice, chauntry, free or other chapel, perpetual curacy, or any other benefice or office or promotion spiritual, of what name, nature, quality, or

description soever they be, within that part of the united kingdom called *Ireland*, and shall have, take, levy, and receive therefrom and thereout, from and after the times when the same shall severally become void next after the passing of this act, and for ever thereafter, a yearly tax, rate, or assessment, computed and imposed upon such valuation, according to the several rates and scales specified and contained in the schedule (A.) to this act annexed.

XV. And be it enacted, that the said yearly tax shall be paid half-yearly in equal moieties to the said ecclesiastical commissioners on each first day of *July* and first day of *January*, the first payment on account of such annual tax to be made from and out of each dignity, benefice, office, or promotion spiritual on the first day of *July* or first day of *January*, as may happen, next after the first day of *May* or the first day of *November*, as may happen, next after the consecration, installation, induction, collation, investing, placing, election, or appointment of the persons succeeding thereto: provided always, that such person shall only be charged or chargeable in such first payment with a proportion of such tax, according to the term during which he shall have enjoyed or been entitled to the profits of such dignity, benefice, office, or promotion spiritual; and provided further, that if any such dignity, benefice, office, or promotion spiritual shall remain void for any time after such days hereinbefore appointed for the payment of the said annual tax, the person succeeding thereto shall be charged and chargeable with all arrears thereof accruing due from and after the last avoidance thereof.

Tax when to be payable.

XVI. And be it enacted, that each and every dignity, benefice, or office, or promotion spiritual, shall be separately and distinctly rated, each in the proper diocese to which it may belong, where-soever the possessions or profits to them respectively belonging shall happen to be locally situate; and that in the case of any estate, tithes, funds, or other emoluments whatsoever distributable among the members of any corporation aggregate, under or by virtue of any law, statute, bye law, or usage whatsoever, the said tax, rate, or assessment shall be imposed severally upon the separate share or income of each such member respectively, and that each such share or income shall be and become respectively charged therewith from and after the time when the member of such corporation now enjoying or entitled to such share or income shall die, or become disqualified, or in any manner cease to be a member of such corporation, and for ever thereafter.

Tax how to be imposed on dignities

XVII. Provided, and be it enacted, that no economy estate or fund appropriated to the purpose of repairing any cathedral or church, or other such like purpose, shall be liable to the said annual tax, rate, or assessment, save only so far as respects the surplus thereof (if any), which may be distributable among the dean and chapter or members of the ecclesiastical body to whom such economy estate or fund may belong.

Economy fund exempted from taxation.

XVIII. And be it further enacted, that in order to enable the said commissioners the better to compute and impose the said tax, rate, or assessment according to the provisions of this act, every archbishop, bishop, archdeacon, dean, prebendary, master, warden, livings, &c.;

Spiritual persons to make a return of the annual value of their livings, &c.;

exclusive of  
glebe house  
or place of  
residence.

parson, spiritual vicar, perpetual curate, and every spiritual corporation aggregate under its corporate seal, and every member of such a corporation individually, and all and every other spiritual persons, in *Ireland*, by whatever name or names they may be respectively called, known, or described, shall, on or before the first day of *December* in the year one thousand eight hundred and thirty-three, and at all times thereafter, when and so often as they or any of them shall think fit or shall be thereunto required by the said commissioners, return respectively to the said commissioners an account of the true and entire yearly value of such archbishoprics, bishoprics, and all other the spiritual promotions aforesaid, and all lands, tenelements, hereditaments, and profits thereto respectively belonging, by them and each of them at the time of making such returns respectively held and enjoyed; and in case the value thereof shall be of a fluctuating nature, then such account shall state the average annual value *communibus annis*; such account of such value in either of the cases aforesaid to be exclusive of the see house or glebe house or offices, or other place of residence of or belonging to the same respectively; and shall therein also respectively specify all rents, synodals, or proxies, or other charges (if any), payable out of or in respect of the same, and also the amount of the sums (if any) expended in building or improving such see house, glebe house, or offices, or place of residence, by such spiritual person, or paid or secured to be paid, or wherewith he shall be chargeable to his or their predecessors respectively, or his or their executors, administrators, or assigns; distinguishing the sums which are or shall be recoverable by such spiritual person as aforesaid from or against his successors from such sums as shall not be so recoverable; and in case there shall be no see house or glebe house or place of residence thereon or thereto belonging, then such account shall specify the annual rent paid or payable by such spiritual person for a house or place of residence occupied by him.

Commissioners may issue a commission to make inquiries for the purpose of enabling them to form a valuation, and impose a rate.

XIX. And be it further enacted, that the said ecclesiastical commissioners shall also have power and authority, when and as often as they shall so think necessary, to direct into any diocese in *Ireland* a commission under their corporate seal to the archbishop or bishop thereof, and such other person or persons, being members of the united church of *England* and *Ireland*, as the said commissioners shall think fit, commanding and authorizing the persons in such commission to be named, or two of them at the least, to examine, search, and inquire into, of, and for all such matters and things as may be requisite and necessary in order to enable the said ecclesiastical commissioners under this act to form the said valuation, and impose the said rate, tax, and assessment, according to the provisions of this act, and authorizing and empowering some two or more persons to be named in such commission, separately, or in the presence of each other, to administer an oath to each of the said persons therein named as aforesaid, to the effect following; that is to say,

Oath to be taken by persons named in such commission.

I *A. B.* do swear, that I will well, diligently, and truly, according to the best of my skill and knowledge, do, fulfil, perform, and execute the several powers and trusts reposed in me by virtue of a commission issued pursuant to the provisions of an act passed in

the fourth year of the reign of his majesty king *William* the fourth, intituled [*here set forth the title of this act*], within the limits thereof, without favour or affection, prejudice, malice, or ill-will to any person whatever.

*So help me God.*

Which oath the said persons to be therein named shall take before they shall begin to execute their said commission; and also directing and authorizing and empowering the said persons in such commission so named, or two of them at the least, to return, under their hands and seals, to the commissioners appointed under this act, on a certain day to be named in the said commission, a true, just, and faithful account and estimate of the said several matters and things in the said commission so directed to be inquired of by them as aforesaid, and which return the said persons in such commission named are hereby required to make; and the said persons to be therein named as aforesaid, or any two of them, shall likewise have power to examine witnesses upon oath touching or concerning any of the matters or things so to be inquired of by them as aforesaid: provided always, that the said ecclesiastical commissioners under this act may at their discretion direct and order the costs and expenses of issuing said commission, and of all the proceedings thereunder, or any part thereof, to be paid and borne, in such shares or proportions as the said commissioners shall think fit, by such archbishop, bishop, archdeacon, dean, prebendary, parson, vicar, or other spiritual person aforesaid, of and into the revenues, rents, issues, and profits of whom such commission shall be issued to inquire and examine as aforesaid; and which costs and expenses, when so ordered to be paid as aforesaid, shall and may be recovered in the manner hereafter directed and mentioned with respect to the said annual tax: provided always, that no such archbishop, dignitary, or spiritual person shall be required to pay the costs or expenses of any such commission, or any part thereof, unless the valuation of the revenues, issues, and profits to him belonging shall exceed the amount thereof as stated in the last previous return thereof by him made in the proportion of ten pounds *per centum*.

Commissioners to make report;

and to examine witnesses.

Proviso as to costs of commission.

XX. Provided, and be it enacted, that in and from the valuation to be made for the purpose of imposing the said rate, tax, or assessment, the said commissioners shall from time to time deduct and allow all rents, synodals, proxies, and other charges, including salaries or stipends for perpetual curates or licensed assistant curates of any benefice the incumbent whereof shall be resident in any such benefice, which any such spiritual person or persons as aforesaid, chargeable with the said annual tax, is or are bound to pay or allow in respect of his or their archbishopric, bishopric, archdeaconry, deanery, prebend, benefice, or other promotion spiritual as aforesaid; and in case there shall be no see house or glebe house or place of residence thereon or thereto respectively belonging, then that the said ecclesiastical commissioners shall deduct and allow such sum as shall appear to be the annual rent or value of the house or place of residence occupied by each such spiritual person, or such lesser sum as the said ecclesiastical commissioners shall in their discretion think fit; and in case any such spiritual person so chargeable as aforesaid shall have expended or laid out, in building or improving

Certain sums chargeable on livings, &c. to be deducted from the valuation

any house, offices, or place of residence as aforesaid, or shall have paid or secured, or shall be chargeable with to his or their predecessors respectively, or his or their respective executors, administrators, or assigns, any sum or sums of money on account of money laid out or expended theretofore on any such buildings or improvements, then in every such case the said ecclesiastical commissioners shall from time to time, in and from such valuation, deduct and allow, on account thereof, in the following manner and according to the following rate; (that is to say), the annual sum or allowance of ten pounds in the hundred for all and every the sum or sums so expended or laid out in such building or improvement, or paid or secured to be paid, or with which such person as aforesaid shall be chargeable to his predecessor, or his executors, administrators, or assigns, as the case may be, on account of money so theretofore laid out or expended on such building or improvement as aforesaid, and which shall not be by law recoverable by such person, his executors, administrators, or assigns, from or against his successor; and the annual sum or allowance of five pounds in every hundred for all and every the sum or sums so expended or laid out, or paid or secured to be paid, or wherewith any such person shall be chargeable to his predecessors, or his executors, administrators, or assigns, as aforesaid, on account of money so theretofore laid out or expended as aforesaid, as the case may be, and which shall be by law recoverable by such person, his executors, administrators, or assigns, from or against his successors.

No sums shall be deducted unless mentioned in certificate.

XXI. Provided always, and be it further enacted, that the said ecclesiastical commissioners shall not, from or in such valuation, deduct or allow for any sum or sums of money so laid out or expended, or paid or secured to be paid, or wherewith any of the persons aforesaid shall or may be chargeable as aforesaid, unless such sum and sums shall be contained, included, and mentioned in the certificate of the lord lieutenant or other chief governor or governors of *Ireland*, or of the archbishop or bishop of the province or diocese respectively, as the case may be, in such cases given or directed to be given, under or by virtue of any statute now or heretofore in force in *Ireland*, in order to enable any archbishop, bishop, or other of the persons aforesaid to recover against his successor the sums above mentioned, or any of them, or any part thereof.

Forenforcing payment of rates or assessments.

XXII. And be it further enacted, that if the said tax, rate, or assessment, or any part thereof, payable by any body or person, shall be in arrear and unpaid more than a reasonable time after the same shall have been demanded by or on the part of the commissioners under this act, it shall and may be lawful for such commissioners in every such case to apply to the court of chancery or exchequer in *Ireland*, by petition in a summary way, for relief in that behalf; and such court shall and may, on the hearing of such petition, and upon the production of a certificate under the corporate seal of such commissioners, of such tax being in arrear and unpaid as aforesaid, in a summary way, with or without reference to any master or other officer of said court, order process of sequestration (after hearing such matters, if any, as may be alleged in answer to such application, by affidavit or otherwise, upon a day to be fixed

for that purpose), to issue out of said court, directed to sequestrators to be named by or on behalf of such commissioners, authorizing and requiring such sequestrators forthwith to enter into the possession of and take and receive the rents, issues, and profits of all and every the lands, tenements, and hereditaments of or belonging to any such body or person in his or their ecclesiastical capacity or character, and all and every the tithes, moduses, compositions for tithes, salaries, stipends, fees, and all other ecclesiastical emoluments and profits whatsoever of or belonging to the same respectively, or such part or parts thereof as to the said court shall seem fully sufficient for the purpose, and to pay over the same to such commissioners, until they shall have been fully paid and satisfied the said yearly tax and every part thereof which shall be then, or which shall at any time pending such sequestration, remain or become due and payable, together with lawful interest for the same from the time when every such sum or sums ought respectively to have been paid, and all costs and charges and expenses whatsoever attending such petition and sequestration as aforesaid; and it shall and may be lawful for the said court to proceed against all persons disobeying or opposing such process, or in any manner hindering or preventing the due execution thereof, and to act in all matters connected with and consequent upon such sequestration in the same manner as in other cases in which sequestrations are or shall be issued out of said court pursuant to the orders of the said court.

XXIII. Provided always, and be it further enacted, that any sequestration issued pursuant to the provisions of this act shall be preferred, and the said commissioners under this act shall be paid and satisfied the sum and sums to be recovered thereby, and every part thereof, in preference to any other person or persons whatsoever, notwithstanding any sequestration, judgment, execution, or other process whatsoever issued or begun for such other person or persons; any thing herein or in any other law or statute contained to the contrary hereof notwithstanding.

Priority of  
sequestra-  
tions under  
this act.

XXIV. Provided always, and be it further enacted, that if any archbishop, bishop, or other person charged or chargeable with the payment of said yearly tax shall happen to die, or be lawfully evicted, translated, promoted, removed, or put from his dignity, benefice, office, or promotion spiritual, before any one of the gale days hereby appointed for the payment of the said tax, then such archbishop, bishop, or person, or his executors or administrators, as the case may be, shall only be charged and chargeable with a proportion of such tax, according to the time he may have been entitled to or enjoyed the profits of such dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid; and the successor to such dignity, benefice, office, or promotion spiritual shall become liable to the residue of such tax accruing due on such gale day: and provided further, that in any case in which it shall be made to appear to the satisfaction of the said commissioners that any spiritual person chargeable with the said tax shall not have received the profits of the dignity, benefice, perpetual curacy or office, or promotion spiritual, in respect whereof he may be so chargeable, then and in such case it shall be lawful for the said

If incumbent  
die before  
gale day, tax  
to be appor-  
tioned.

If incumbent  
receive no  
profits of his  
preferment,  
the payment  
of tax to be  
delayed or  
charged on  
his successor



commissioners to extend the time for the payment of such tax until such profits shall be received, or in case such spiritual person shall die, or be removed, or promoted from his dignity, benefice, perpetual curacy, or office, or promotion spiritual as aforesaid, without being entitled to receive any of such profits, then and in such case to charge and recover the same of and from his successor therein whenever such successor shall have received the said profits; any thing hereinbefore contained to the contrary notwithstanding.

Arrears of  
tax due on  
death of such  
person to  
rank as a  
judgment  
debt.

XXV. And be it further enacted, that the proportion of said annual tax due on the death of any archbishop, bishop, or other person as aforesaid shall be deemed and taken to be and shall rank as a judgment debt of such deceased archbishop, bishop, or person as aforesaid, and be paid as such, as if a judgment had been duly acknowledged by or entered against him during his lifetime by the said commissioners for the amount of said tax which shall be so due as aforesaid, and immediately after all other *bona fide* judgments, crown bonds, and recognizances entered up against, acknowledged, or executed by him during his lifetime.

Nominee of  
commission-  
ers to be en-  
titled to ad-  
ministration.

XXVI. And be it further enacted, that the said commissioners under this act shall be deemed and taken to be, in every ecclesiastical court in the united kingdom, judgment creditors of any archbishop, bishop, or other such person as aforesaid chargeable with any arrears of said annual tax; and in case the executors, or next of kin, or residuary legatees of such archbishop, bishop, or other person as aforesaid shall refuse or neglect to take out probate or letters of administration to him, the said commissioners shall be entitled to have administration of his goods and chattels, rights and credits, granted or committed unto their nominee or nominees in such manner and form, but subject to the same regulations as far as may be, as and under which administrations are usually granted to creditors of other deceased persons, notwithstanding that no affidavit or other evidence shall be made or given in or to such ecclesiastical court of any debt being actually due to such commissioners: provided always, that a certificate under the corporation seal of the said commissioners shall be produced to such ecclesiastical court, alleging that a debt on account of arrears of said annual tax is due to such commissioners, and that they require such administration to be granted to the person to be therein named.

Archbishops  
and bishops  
to return  
promotions,  
&c.

XXVII. And be it further enacted, that the several archbishops and bishops of *Ireland* shall, from and after the passing of this act, on the first day of *November* and first day of *May* in every year, or at farthest within fourteen days after, make returns to the said commissioners of all, how many, and what archdeacons, deans, provosts, masters, wardens, prebendaries, rectors, parsons, vicars, perpetual curates, incumbents, or other spiritual persons, by whatever name called, known, or described, have been installed, admitted, instituted, collated, or inducted (and of and on whose gift, grant, or presentation such installation, admission, institution, or induction has taken place), into dignities, benefices, curacies, chapelries, offices, or promotions spiritual, by whatever name called, known, or described as aforesaid, and by what names and surnames they were so installed, admitted, instituted, collated, or inducted, and each of them were

singly and separately called and known by, together with the day and year of the installation, admission, institution, collation, or induction of each of them, and in what county and counties within their respective diocese or dioceses and jurisdictions such archdeacons, deaneries, prebends, rectories, parsonages, vicarages, curacies, chapetries, or other dignities, benefices, or offices, or promotions spiritual, by whatever name called, known, or described, be and are situated, to the dates of the said respective returns.

XXVIII. And be it further enacted, that all and every the powers and authorities, provisions, regulations, forfeitures, clauses, matters, and things in this act contained, in relation to bishops in their dioceses, shall extend and be construed to extend to the archbishops in their respective dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully and effectually as if the archbishops were named with the bishops in every such case.

Provision for cases where archbishops are also bishops, &c.

XXIX. And be it further enacted, that every archbishop and bishop within the limits of whose province or diocese respectively any benefice or office or promotion spiritual, by whatever name called, known, or described respectively, exempt or peculiar, shall be locally situate, shall have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of all the purposes and provisions of this act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt and peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop; and where any benefice or promotion spiritual as aforesaid, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where the same or any of them shall be locally situate between the limits of any two or more such dioceses, the archbishop or bishop of the cathedral church to whose province or diocese the parish church of the same respectively shall be nearest in local situation shall have, use, and exercise all and every the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same with regard thereto respectively, as such archbishop or bishop would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same, for all the purposes of this act, shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop: provided that the peculiars belonging to any archbishopric or bishopric, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act as for all other purposes of ecclesiastical jurisdiction.

Jurisdiction of bishops in peculiars.

XXX. And be it enacted, that where any two or more dignities, benefices, vicarages, or perpetual curacies shall be held by one incumbent, that the same shall be valued and taxed as a single benefice: provided always, that in case any dignity or benefice be attached or annexed to or held together with any archbishopric or bishopric, such dignity or benefice, and such archbishopric or bishopric, shall be separately valued and taxed according to the respective

United benefices to be taxed singly.

Benefices annexed to be valued separately.

scales contained in the schedules to this act annexed, and as if such benefice or dignity, and such archbishopric or bishopric, were held and enjoyed by several persons.

When a bishopric is void, who shall execute powers of this act.

XXXI. And be it further enacted, that whensoever and as often as any of the archbishoprics or bishoprics in *Ireland* shall happen to be void, that then the dean of the cathedral church where the see of such archbishopric or bishopric being void shall happen to be, or the vicar general of the diocese, being in holy orders, or any archdeacon of the diocese, according to the direction or order of said commissioners, to be made or given in writing under the seal of the said commissioners, shall, during the vacancy thereof, be charged and chargeable and is hereby required to do or cause to be done all and every thing and things for the due execution of this act, within the diocese of such archbishopric or bishopric, as the same archbishop or bishop of the see being void should have done, according as it is limited and appointed by this act, or by anything herein contained: provided always, that during the vacancy of the archbishopric of *Dublin* it shall be lawful for said commissioners to order, direct, and appoint the dean of *Saint Patrick's*, or the vicar general of such diocese, being in holy orders, or archdeacon of *Dublin*, to do and perform all and every the matters and things for the due execution of this act within such diocese as such archbishop should have done, according as it is limited and appointed by this act, or any thing herein contained.

When archbishopric of *Dublin* void, who shall execute powers of this act.

Bishoprics in the first column of the schedule (B.) to this act annexed to be united to the bishoprics named in the second column, &c.

XXXII. And whereas his majesty has been graciously pleased to signify that he has placed at the disposal of parliament his interest in the temporalities and custody thereof of the several bishoprics and archbishoprics mentioned in this act and the schedule (B.) thereto annexed; be it therefore enacted, that the bishopric of *Waterford*, now void, shall from and after the passing of this act, and the other bishoprics named in the first column of the schedule (B.) to this act annexed shall, when and as the same may severally become void, be thenceforth united to and held together with the bishopric or archbishopric mentioned in conjunction therewith respectively in the second column of the said schedule (B.); and that the archbishops or bishops of the archbishoprics or bishoprics in such second column named shall, at such times respectively as before mentioned, be and become, by virtue of this act, and without further grant, installation, or ceremony whatsoever, bishops respectively of the said bishoprics named in such first column in conjunction therewith, and shall have and exercise all and every the ecclesiastical patronages and jurisdictions in appointing, collating, and presenting to all and every the dignities, rectories, vicarages, curacies, chapelries, or other offices or promotions, and all other jurisdictions whatsoever, by whatever name called, known, or described, lawfully had, used, exercised, and enjoyed by the respective bishops of the said bishoprics in the first column of the said schedule (B.) named, as also the right of nominating and appointing to all and every the offices of chancellor, vicar general, official, principal registrar, and all other ecclesiastical offices of or belonging or appertaining to such last mentioned bishoprics respectively; and his most excellent majesty, his heirs and successors, shall at all times thereafter grant each such

bishopric in the first column of the said schedule (B.) named, together with the bishopric or archbishopric to which it may have been united in manner aforesaid, to be held by one and the same person.

XXXIII. Provided always, and be it further enacted, that if any bishopric mentioned in the second column of the said schedule (B.) shall become void before the union of such bishopric with the bishopric mentioned in the first column of the said schedule, then the bishop of the bishopric mentioned in the first column shall become, by virtue of this act, and without further grant, installation, or ceremony whatever, bishop of the bishopric in such second column named in conjunction therewith, and shall have and exercise all powers and authorities of the bishop of such united bishoprics: provided always, that nothing herein contained shall authorize or empower any bishop of a bishopric mentioned in the first column of the said schedule as hereafter to be united to the dioceses of *Armagh* or of *Dublin*, to become, by virtue of this act, archbishop of *Armagh* or of *Dublin*.

If bishopric in second column of schedule (B.) becomes void before union of such bishopric in first column, then such bishop to be bishop of such bishopric.

XXXIV. Provided also, and be it further enacted, that it shall and may be lawful for the archbishop of *Armagh* and archbishop of *Dublin*, and they are hereby required, to select from and out of the benefices belonging to each of the bishoprics in the first column of the said schedule (B.) mentioned, and now in the gift or collation of the respective bishops thereof, one benefice not exceeding the annual value of one thousand pounds, and to return a list of the several benefices so selected, under their episcopal seals, to the said lord lieutenant or other chief governor or governors of *Ireland*, and his majesty's privy council there, for their approval, and when approved by the said lord lieutenant or other chief governor or governors and council, such list shall be registered in the rolls office of his majesty's court of chancery in *Ireland*, together with such approval; and upon each and every avoidance of the said benefices so selected happening from time to time after the said bishoprics to which the same may respectively belong shall have become united to any other bishoprics by virtue of this act, it shall and may be lawful for the said archbishop of *Armagh* and archbishop of *Dublin* to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the *Holy and Undivided Trinity*, near *Dublin*, being in holy orders: provided always, that in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the archbishop of *Armagh*, and if on the vacancy of any of the said benefices so selected as aforesaid, the said archbishop shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall, for that turn, devolve to the bishop of the diocese, and be in all respects subject to the ordinary law of lapse: provided always, that until the said bishoprics shall have become united to any other bishoprics under the provisions of this act, nothing herein contained shall alter or affect the right of presentation or collation to any of the benefices so

Archbishops of *Armagh* and *Dublin* empowered to present a fellow of *Trinity* college to a benefice, to be selected as herein mentioned.

Proviso in case of disagreement of the archbishops.

Fellow so elected to vacate his fellowship.

selected as aforesaid, as at present enjoyed or possessed; and provided further, that any fellow of the said college who shall accept any such benefice shall vacate his fellowship at such time and in such manner as according to any statute, bye law, or usage of the said college, fellowships are vacated upon the acceptance of any living in the gift or disposal of the said college.

Commissioners to make good deficiencies happening to bishops by the union of bishoprics.

XXXV. Provided also, and be it further enacted, that the said ecclesiastical commissioners under this act shall, from and out of the revenues of each bishopric in the first column mentioned, when and as the same shall become vested in them, make good to the bishop thereof becoming, by virtue of the provision hereinbefore contained, bishop of the bishopric mentioned in conjunction therewith in the second column of the said schedule, the sum or sums of money (if any) whereby the revenues of such bishopric in such second column mentioned shall fall short of the revenues of such bishopric in such first column mentioned.

Temporalities of bishoprics in first column of the said schedule (B.) vested in the commissioners under this act.

XXXVI. Provided nevertheless, and be it enacted, that all and singular the lands, tenements, and hereditaments respectively belonging or in anywise appertaining to the bishoprics in the first column of the said schedule (B.) named, together with all and singular the tithes, rents, and emoluments whatsoever to such bishoprics respectively appertaining, or belonging, shall, in the case of the said bishopric of *Waterford*, from and after the passing of this act, and in the case of the other bishoprics in the said schedule (B.) mentioned shall, from and after the times when such bishoprics shall become respectively void or united to any other bishopric as aforesaid, be and the same are hereby transferred to and vested in the said ecclesiastical commissioners and their successors for ever, subject however to all leases, rents, charges, and incumbrances now or at the time of such transfer legally affecting the same, save and except the annual tax, rate, or assessment by this act authorized to be imposed and levied; and that all the rents, revenues, issues, profits, and other emoluments in any manner arising or accruing to the said commissioners and their successors from or out of any of the said bishoprics shall be received and applied by such commissioners and their successors to, for, and upon the several trusts, uses, and purposes in this act mentioned, and subject to and under the like rules and regulations as are herein declared and expressed of and concerning the said annual tax vested in and made payable to the said commissioners and their successors.

Arrears of rent, &c. since death of bishop of *Waterford* to be recovered by commissioners.

XXXVII. And be it further enacted, that all arrears of rent and other temporal profits and emoluments which have accrued due for or in respect of the see of *Waterford* since the said bishopric of *Waterford* has become void shall by virtue of this act, and without any writ of restitution or other process whatever, be in like manner transferred to and vested in the said commissioners, to, for, and upon the like trusts, uses, and purposes, and subject to the like rules and regulations, as aforesaid; and that the said commissioners shall and they are hereby authorized and empowered, either by action of covenant or debt, or by action on the case, as for use and occupation, to sue for and recover all and every the arrears of rent due, or which shall have accrued or become due since the death of the said late

bishop of *Waterford*; and that it shall and may be lawful for the said commissioners, and they are hereby authorized and empowered, to distrain for such arrears and every part thereof, and shall and may avow generally for the same.

XXXVIII. And provided also, and be it further enacted, that the said commissioners shall and they are hereby required and directed to pay and satisfy the executors or administrators or assigns of doctor *Richard Bourke*, late bishop of *Waterford*, by such instalments, to be made in such manner and at such periods, from and after the passing of this act, as any successor to such bishopric then appointed would have been bound or liable if any such successor had been appointed on or before the first day of *January* one thousand eight hundred and thirty-four, all and every such sum and sums of money which, pursuant to any law or statute in force in *Ireland* at the passing of this act, could or might have been recovered by such executor or administrator from or against the successor of the said late bishop of *Waterford* in case this act had not been passed; and provided further, that the said commissioners shall by such instalments, to be made in such manner and at such periods from and after such respective vacancies of the other bishoprics, save and except the bishoprics of *Ossory* and of *Cork* and *Ross*, named in the first column of the schedule (B.) to this act annexed as aforesaid, or from and after the annexation thereof to any other bishopric under provisions hereinbefore contained, as any successors thereto would have been respectively bound or liable if such successors had been appointed, pay to and satisfy the person or persons, or his or their respective executors, administrators, or assigns, as the case may be, by whose promotion or death such vacancy shall have occurred or been occasioned, or who shall become the bishop of any united bishoprics, all and every such sum and sums of money as by force of any law or statute or usage has or have heretofore been charged upon the said other bishoprics upon the same becoming void respectively, and which would have been payable to and recoverable by such persons respectively, or their respective executors, administrators, or assigns, from or against their respective successors in such bishoprics, in case this act had not been made.

XXXIX. And be it further enacted, that in the case of the said bishopric of *Waterford* it shall and may be lawful for the said commissioners from and after the passing of this act, and in the case of the other bishoprics named in the first column of the schedule (B.) to this act annexed, save and except the bishoprics of *Ossory* and of *Cork* and *Ross*, it shall and may be lawful for such commissioners at and after such times as the said bishoprics shall become respectively vacant, or united to any other bishopric or archbishopric as aforesaid, and such commissioners are hereby empowered, by and with the consent of the lord lieutenant or other chief governor or governors in *Ireland*, to be testified in writing under his or their hand or hands, to demise for any term of lives or years, or lives and years, with a covenant to make void the said demise in case of assigning or subletting, and for such rent or fine as shall be specified in and by such consent as aforesaid, the see house and offices, and all or any part of the mensal or demesne lands of or belonging to the said bishopric

Commissioners to pay sums charged on bishopric of *Waterford* to executors of deceased.

Commissioners shall pay sums charged on bishoprics hereafter to be suppressed.

Commissioners may demise see houses of bishoprics becoming vacant.

of *Waterford*, or to the said other bishoprics, save as aforesaid: provided always, that if the bishop for the time being of the bishopric to which such bishopric of *Waterford*, or such other bishopric, save as aforesaid, shall be united by virtue hereof as aforesaid, do and shall, with and by the like consent as aforesaid, to be testified as aforesaid, elect and choose the see house of such bishopric of *Waterford*, or such other bishopric, save as aforesaid, to be and continue for ever to be the see house of such united bishopric, it shall not be lawful for the said commissioners so to demise the said see house and offices so selected and chosen as aforesaid, nor the mensal or demesne lands thereof or thereto respectively belonging; and in such case it shall be and become lawful for the said commissioners, and they are hereby empowered, by and with the like consent as aforesaid, to be testified as aforesaid, to demise, in like manner and upon the like terms as aforesaid, the see house and offices of the bishopric to which such bishopric of *Waterford* or such other bishopric, save as aforesaid, shall be united as aforesaid, by virtue of this act, together with any part of the mensal or demesne lands thereof or thereto respectively belonging, instead of the see house and mensal or demesne lands of such bishopric of *Waterford* or other bishoprics so respectively becoming vacant, or united to any other archbishopric or bishopric, save as aforesaid.

*Bishoprics now and to be vacant.*

Recitals and parties necessary to deeds of demise of see houses.

XL. Provided always, and be it enacted, that if such consents as aforesaid be not recited in the respective deeds of demise aforesaid, and if the said deeds of demise do not contain such covenant as aforesaid against assigning or subletting, or be not respectively executed by the said commissioners in the manner hereinbefore directed as to the execution of deeds by said commissioners, and the said bishops of the bishoprics which shall become united in manner aforesaid, for the time being respectively, that then the said demises shall be respectively null and void to all intents and purposes whatsoever.

See houses, &c. of *Ossory* and of *Cork* and *Ross* to become the see houses, &c. of the united bishoprics.

XLI. And be it further enacted, that it shall be lawful for the said commissioners, when and so soon as the said bishopric of *Ossory* and bishopric of *Cork* and *Ross* shall be, under the provisions of this act, united to the bishoprics of *Ferns* and *Leighlin* and of *Cloyne* respectively, in like manner to demise, with the like consent and subject to the same covenants as aforesaid, the see houses and offices and all or any part of the mensal or demesne lands of or belonging to the said bishoprics of *Ferns* and *Leighlin* and of *Cloyne* respectively; and the see houses and offices and mensal or demesne lands to the said bishoprics of *Ossory* and *Cork* and *Ross* respectively belonging shall be and become thereafter the see houses, offices, and mensal or demesne lands of such united bishoprics of *Ossory* and of *Ferns* and *Leighlin* and of *Cork* and *Ross* and of *Cloyne* respectively.

Application of rents and fines.

XLII. And be it further enacted, that the fines arising or to arise from such demises as aforesaid, together with the rents to be thereby respectively reserved, shall be applied and disposed of by said commissioners for the several purposes, and subject to the like rules and regulations, as are herein mentioned with respect to the said annual tax hereby vested in and made payable to said commissioners.

XLIII. Provided, and be it further enacted, that all and every the sum and sums of money which, pursuant to any law or statute in force in *Ireland*, would or might have become payable by or recoverable against the successor or successors in the bishopric or archbishopric to which any see house and offices so demised, pursuant to such choice and selection as aforesaid, may have theretofore belonged, shall be and become and remain payable by and recoverable against such successor or successors therein notwithstanding the selection or choice of any other see house under the provision hereinbefore contained, and as if such see house so demised had continued to be the see house of such bishopric.

Notwithstanding preference of the new see house the sums payable in respect of see house by the successors to continue payable.

XLIV. And be it further enacted, that the said commissioners shall, by such instalments, to be made in such manner, and at such periods from and after the respective periods when the bishopric of *Ferns* and *Leighlin* shall become united to the bishopric of *Ossory*, and the bishopric of *Cloyne* united to that of *Cork* and *Ross*, as any successors thereto would have been respectively bound or liable if such successors had been appointed, pay to the persons or their representatives by whose promotion or death, or who shall become the bishops respectively of such united bishoprics, all and every such sum or sums of money as would have been payable by or recoverable against the several successors in the said bishopric of *Ferns* and *Leighlin* and bishopric of *Cloyne* respectively in case this act had not been passed; and the bishops of such united bishoprics of *Ferns* and *Leighlin* and of *Ossory* shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishopric of *Ossory* would have been in case this act had not been passed; and the bishops of such united dioceses of *Cloyne* and of *Cork* and *Ross* shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishopric of *Cork* and *Ross* would have been in case this act had not been passed: provided that nothing herein contained shall, in the event of the now bishops of *Ossory* and of *Cork* and of *Ross* becoming respectively bishops of such united bishoprics, alter or affect the liabilities to them respectively of their successors.

Providing for payment of the liabilities upon the several bishoprics of *Ferns*, &c. after their union.

XLV. And be it further enacted, that the said commissioners shall have all such and the like powers of granting, conveying, exchanging, leasing, and demising all or any part of the lands, tenements, and hereditaments, and possessions (save and except the see houses, offices, and mensal or demesne lands hereinbefore provided for), of or belonging or appertaining to the said bishopric of *Waterford*, or to the said other bishoprics in the first column of the said schedule mentioned respectively, when the same shall, pursuant to the provisions of this act, be respectively vested in the said commissioners, as the bishops thereof have respectively heretofore had and enjoyed by virtue of any law in force at the passing of this act; and that all and every act or acts enabling such bishops respectively to grant, convey, exchange, lease, or demise such lands, tenements, or hereditaments, and possessions as aforesaid, or any part thereof, or disabling or restraining them respectively from so doing, shall apply and be construed to apply and extend to the said commissioners as if they had been named in such act or acts, and as if the provisions

Leasing powers granted to commissioners with respect to bishoprics vested in them by the provisions of this act.



of such act or acts had been herein expressly re-enacted, subject always to the provisions hereinafter contained with respect to the renewal of any lease or leases heretofore made of such lands, tenements, and hereditaments, and the grants of perpetuities therein.

Archiepiscopal jurisdiction of Cashel and Tuam annexed to Armagh and Dublin respectively.

XLVI. And be it further enacted, that when and as the now archiepiscopal sees of *Tuam* and *Cashel* shall become severally void, the bishops of *Tuam* and *Cashel* shall thenceforth for ever respectively cease to have or exercise archiepiscopal jurisdiction within the said provinces of *Tuam* and *Cashel*; and all such archiepiscopal jurisdiction as may have theretofore belonged to and been exercised by the bishop of *Tuam* shall be transferred to and vested in the archbishop of *Armagh* for the time being, and all such archiepiscopal jurisdiction as may have theretofore belonged to and been exercised by the bishop of *Cashel* shall be transferred to and vested in the archbishop of *Dublin* for the time being; and the bishops of *Tuam* and *Cashel* shall, as well as the other bishops of the said provinces of *Tuam* and *Cashel*, be subject to the archiepiscopal jurisdiction of the said archbishops of *Armagh* and *Dublin* respectively; and the said archbishops of *Armagh* and *Dublin*, and their successors respectively, shall have, use, and exercise, without further grant, installation, or ceremony whatsoever, all and singular the metropolitan rights, privileges, franchises, duties, powers, and authorities theretofore exercised or which might have been exercised within the said provinces of *Tuam* and *Cashel* respectively: provided always, that nothing herein contained shall in any respect abridge or affect the jurisdiction, privileges, rights, or authority of the archbishop of *Armagh* as primate of all *Ireland*.

Bishoprics of Kilmore and Ardagh united.

XLVII. And be it enacted, that when and so soon as the now archiepiscopal see of *Tuam* shall become void, the bishopric of *Ardagh*, now held therewith, shall be united to and held together with the bishopric of *Kilmore*, and that the then bishop of *Kilmore* shall be and become, by virtue of this act, and without further grant, installation, or ceremony whatsoever, bishop of *Ardagh*, and have and exercise all and every the ecclesiastical patronages and jurisdictions in appointing, collating, and presenting to all and every the dignities, rectories, vicarages, curacies, chapelries, or other offices or promotions, by whatever name called, known, or described, heretofore lawfully had, used, exercised, and enjoyed by the archbishop of *Tuam* as bishop of *Ardagh*, as also the right of nominating and appointing to all and every the offices of chancellor, vicar general, official, principal registrar, and all other ecclesiastical offices of or belonging to the said bishopric *Ardagh*; and his most excellent majesty, his heirs and successors, shall at all times thereafter grant, to be held by one and the same person, the said bishoprics of *Kilmore* and *Ardagh*, together with such other bishopric as shall under the provisions of this act be appointed to be held together with such bishopric of *Kilmore*.

Temporalities of Ardagh vested in the commissioners under this act.

XLVIII. Provided always, and be it enacted, that all and singular the lands, tenements, and hereditaments, together with all and singular the tithes, rents, and emoluments, to the said bishopric of *Ardagh* appertaining and belonging, shall, from and after the time when the said now archiepiscopal see of *Tuam* shall become void as

aforesaid, be and the same are hereby transferred to and vested in the said ecclesiastical commissioners and their successors for ever, to and for the like trusts, uses, and purposes, with the like powers, and subject in all respects to such and the like charges, conditions, and regulations, as hereinbefore provided in respect of the bishoprics mentioned in the first column of the said schedule (B.) to this act annexed.

XLIX. And be it enacted, that all and singular the lands, tenements, and hereditaments, with all and singular the tithes, rents, and emoluments whatsoever, appertaining or belonging to the preceptory of *Tully* or deanery of *Christ Church*, heretofore held and enjoyed in *commendam* or otherwise by the bishop of *Kildare* for the time being, as dean of *Christ Church*, or by whatever other title, shall be deemed and taken to be, for the purposes of this act, part of the lands, tenements, and hereditaments, tithes, rents, and emoluments, appertaining and belonging to the said bishopric of *Kildare*, and be in like manner and time transferred to and vested in the said ecclesiastical commissioners and their successors, and in all respects subject to such and the like provisions.

Temporalities of the deanery of *Christ Church* to be deemed part of the temporalities of the bishopric of *Kildare*.

L. And be it further enacted, that the said deanery of *Christ Church* shall, from and after the next avoidance thereof, be united to and held together with the deanery of *Saint Patrick's*; and that the then dean of the cathedral of *Saint Patrick's* in the archdiocese of *Dublin* shall, and his successor for ever shall be and become, by virtue of this act, and without further grant, installation, election, or other ceremony whatsoever, dean and deans of *Christ Church* for ever, and have and exercise all and every the rights, privileges, jurisdiction, and authority appertaining to the said deanery of *Christ Church*, heretofore lawfully had, used, and enjoyed by the deans thereof: provided nevertheless, that all and every the ecclesiastical patronage in appointing or presenting to benefices now belonging, in his sole and separate right, to the dean of *Christ Church*, shall, from and after the next avoidance of such deanery, vest in and be exercised by the archbishop of *Dublin* and his successors for ever.

Dean of *St. Patrick's* to be dean of *Christ Church*.

Patronage of dean of *Christ Church* to vest in archbishop of *Dublin*.

LI. And whereas an act was passed in the parliament of *Ireland* in the fortieth year of the reign of his majesty king *George* the third, intituled *an act to regulate the mode by which the lords spiritual and temporal, and the commons, to serve in the united kingdom on the part of Ireland, shall be summoned and returned to the said parliament*; and the said act of the parliament of *Ireland* was incorporated into and made part of an act passed in the parliament of *England* in the same year, intituled *an act for the union of Great Britain and Ireland*; and by force of the said two acts the right of sitting in the house of lords of the united parliament, as between the lords spiritual of *Ireland*, stands regulated according to a certain rotation by the said acts appointed to take place among the archiepiscopal sees, from session to session, and according to another like rotation appointed to take place among the episcopal sees: and whereas the enactments hereinbefore made for reducing the number of the archiepiscopal sees in *Ireland*, and for the union of certain of the episcopal sees, render it necessary to make provision so as to accommodate the said rotation to such enactments; be it therefore enacted, that when and

Rotation of archbishops sitting in parliament.

39 & 40 G. 3. c. 67.

as the now archiepiscopal sees of *Cashel* and *Tuam* shall severally become void, they and each of them respectively shall thenceforth cease to be included in the rotation by the said acts established amongst the archiepiscopal sees, and shall be included in the rotation by the said acts established to be observed amongst the episcopal sees, and therein take place next before the episcopal see last in the order of rotation of the episcopal sees the bishops whereof may have sat in parliament for the session last previous: and the rotation by the said acts appointed to take place amongst the archiepiscopal sees shall, in case of each such avoidance as aforesaid, proceed to the archbishop whose see is next in rotation to the archiepiscopal see becoming void as aforesaid.

Rotation of  
bishops.

LII. And be it further enacted, that in the case of the bishopric of *Waterford*, now void, and in the case of each and singular of the other bishoprics named in the first column of the schedule to this act annexed, when and as they shall become respectively void, or united to any other bishopric, the rotation by the said recited acts appointed to take place among the episcopal sees shall proceed to the bishop whose see is next in rotation to the said see of *Waterford* or other see being or becoming void, or united to any other bishopric as aforesaid; and such see of *Waterford*, or other see being or becoming void, or united to any other bishopric as aforesaid, shall for ever thereafter be excluded from and omitted out of such rotation.

Saving of  
former pro-  
visions.

LIII. Provided always, and be it enacted, that, save as herein specifically provided, the order of rotation by the said recited acts established shall remain unchanged, but subject always to the regulation thereby made in case any spiritual lord should be a temporal peer of the united kingdom, or being a temporal peer of that part of the united kingdom called *Ireland* should be chosen by the lords temporal to be one of the representatives of the lords temporal.

Revenues  
of Armagh  
and Derry  
reduced.

LIV. And whereas the revenues of the archbishopric of *Armagh* and the bishopric of *Derry* have increased in such manner that, without affecting the just and competent support of the said dignities, a portion thereof may be beneficially applied for the other purposes of the established church in *Ireland*, in manner hereinafter mentioned; be it therefore further enacted, that when and so soon as the said archbishopric of *Armagh* shall become void, the successor thereto, and his successors for ever, archbishops of *Armagh*, shall, from and out of the revenues of the said archbishopric, pay over to the said commissioners under this act the annual sum of four thousand and five hundred pounds, the same to be paid by two equal payments on each first day of *July* and first day of *January* in every year, the first payment or amount of such annual tax to be made on the first day of *July* or first day of *January*, as may happen, after the first half-yearly payment of the revenue of such archbishopric of *Armagh* shall have become due and payable to such successor of the now archbishop of *Armagh*; and that the now bishop of *Derry*, having freely assented thereunto, shall, from and out of the revenues of the said bishopric, pay over to the said commissioners under this act the annual sum of four thousand and one hundred and sixty pounds: and when and so soon as the said bishopric of *Derry* shall become void, the successor thereto, and his successors for ever,

bishops of *Derry*, shall, from and out of the revenues of the said bishopric, pay over to the said commissioners under this act the annual sum of six thousand one hundred and sixty pounds, the same to be paid by two equal payments on each first day of *July* and first day of *January* in every year, the first payment thereof to be made on the first day of *January* in the year one thousand eight hundred and thirty-four; and the sums so from time to time to be paid to the said commissioners by the said archbishops of *Armagh* and bishops of *Derry* shall be applied to such and the like purposes as the proceeds of said tax hereby vested in the said commissioners and the revenue of such bishoprics so to be united with other bishoprics, and under like rules and regulations.

LV. Provided always, and be it enacted, that the now bishop of *Derry* and his successors, and the successors of the now archbishop of *Armagh*, shall not be liable, in respect of the said sums so by them to be respectively paid to the said commissioners, to be rated, taxed, or assessed in or to the annual tax hereinbefore appointed to be imposed or levied; any thing hereinbefore contained to the contrary notwithstanding.

LVI. And be it enacted, that if at any time the said sums hereby directed to be paid by the said archbishop or bishop shall be in arrear and unpaid for six months next after the same shall have become due and payable as aforesaid, it shall be lawful for the said commissioners to recover the same by process of sequestration, to be applied for and issued in like manner as hereinbefore directed in case any archbishop or bishop shall fail to make payment of the annual rate, tax, or assessment by this act authorized to be imposed and levied, and subject in all respects to such and the like provisions.

LVII. And be it enacted, that while and so long as the temporalities of the said archbishopric and bishopric respectively shall at any time be in the custody of his most excellent majesty, his heirs and successors, the said annual payments shall be made to the said commissioners in like manner as the same are hereby directed to be made by the archbishop or bishop thereof respectively while the said sees are full.

LVIII. And be it further enacted, that all and every sum and sums of money due and payable at the passing of this act by any archdeacon, dean, prebendary, master, warden, incumbent, perpetual curate, parson, vicar, or other spiritual person, by whatever name called, known, or described, on account of first fruits and arrears thereof, and any sum on sums at any time heretofore lent and advanced by, and now payable or hereafter to become payable, pursuant to the laws in force in *Ireland*, to the trustees and commissioners of the first fruits in *Ireland*, for purchasing, building, rebuilding, improving, repairing, or enlarging glebe or other houses or offices, shall, from and after the passing of this act, be and the same and every part thereof are hereby vested in and transferred and made payable to the commissioners under this act, and their successors, to be by them applied and disposed of to, for, and upon the purposes of this act hereafter mentioned, and subject to the like rules and regulations as are herein mentioned, as to the proceeds of the said annual tax hereby vested in the said commissioners.

Bishops of *Derry* and *Armagh* exempted from annual tax in respect of sums paid by them.

Commissioners may recover arrears by sequestration.

Payments to be made during vacancies of sees.

Sums now due to trustees of first fruits on certain accounts vested in commissioners hereof.

Sums so due may be sued for and recovered, as by said trustees, in name of and by commissioners.

LIX. And be it further enacted, that all and every the sums of money so actually due on account of first fruits and arrears thereof, and all and every sum and sums so lent and advanced as aforesaid for building, rebuilding, improving, enlarging, or repairing glebe or other houses and offices, and which are or shall become due and payable as aforesaid, and all and every sum or sums of money due or to become due on any account whatever to the said trustees and commissioners of first fruits in *Ireland*, other than the sums by this act remitted, shall and may be sued for and recovered and levied, by or under the directions of the commissioners of this act and their successors, and in their name as aforesaid, by the same ways, means, remedies, and processes, and at the times, as the same might have been respectively sued for and recovered and levied by or for the said trustees and commissioners of first fruits in *Ireland* if this act had not been passed; and that all the powers, remedies, and authorities given or mentioned in any act or acts of parliament, or otherwise provided or allowed by law, for the recovery thereof respectively, shall, until all and every such sum and sums shall be recovered and paid as aforesaid, continue and be in full force and effect as if the same were herein re-enacted, and as if the commissioners of this act had been named in every such act or acts, or in any bond or bonds or other securities therein respectively mentioned, and in pursuance thereof respectively executed and entered into, instead of the trustees and commissioners of the first fruits in *Ireland*.

Monies now in hands of said trustees or officers vested in commissioners.

LX. And be it further enacted, that all and every sum and sums of money and property of every kind and description, and securities for money, belonging to and now in the hands or possession of or at the disposal of the trustees and commissioners of first fruits in *Ireland*, or any of their officers, on account of the first fruits, or on account of any gift, grant, or loan from the commissioners of the treasury in pursuance of any act of parliament heretofore made, or on any other account, shall, from and after the passing of this act, be forthwith, and the same and every of them are hereby directed to be paid over and transferred to, and are hereby to all intents and purposes vested in, the said commissioners under this act and their successors for ever, subject nevertheless, in the first place, to all grants and subsisting contracts made by the said board of first fruits before the passing of this act, to be by them applied and disposed of to and for the several purposes of this act, as hereinafter mentioned, and subject to the like rules and regulations as hereafter mentioned with respect to the said annual tax hereby vested in the said commissioners.

Primate Boulter's and Robinson's charities to be vested in commissioners, and kept distinct.

LXI. And whereas the several sums respectively bequeathed by doctor *Hugh Boulter* and doctor *Richard Robinson*, formerly lord archbishops of *Armagh*, towards buying of glebes and augmenting poor livings in *Ireland*, were and are vested in the said trustees and commissioners of first fruits in *Ireland* for the purposes aforesaid; be it therefore enacted, that the same and all the proceeds thereof, or so much thereof as remains unapplied to the aforesaid purposes, and the funds, parliamentary or otherwise, lands, estates, and mortgages or other securities wherein the same or any part thereof have been laid out or invested, shall be and the same are hereby trans-

ferred to, vested in, and made payable to the commissioners under this act appointed, and their successors for ever, to be by them kept distinct from all other funds, and applied and disposed of, immediately from and after the passing of this act, towards the payment of such annual salaries, save as hereinafter excepted, as may have been heretofore lawfully granted by the said trustees and commissioners of first fruits to any incumbent, curate, or minister for the augmentation of any benefice, living, or curacy, and towards buying of glebes and augmenting poor livings in *Ireland*, and to no other purposes, but in the manner and subject and according to the regulations and directions hereafter mentioned and appointed with respect to the other funds to be applied for such purposes.

LXII. And be it further enacted, that the said commissioners under this act are hereby authorized and empowered from time to time, at their discretion, to lay out at interest all or any part of such monies as shall at any time hereafter, by or under the provisions of this act, come to or be in their hands or at their disposal, in the purchase of government or parliamentary funds, stocks, or securities, and no other, either in *England* or *Ireland*, and from time to time change, transfer, or sell out such stocks, funds, or securities, or any part thereof, as they may find necessary or convenient.

Commissioners to put monies out at interest.

LXIII. And be it further enacted, that all and every the rents, issues, and profits of all lands, tenements, or hereditaments, and the said annual tax and the proceeds thereof, and all and every sum and sums of money and securities for money, vested in or which shall accrue to or in any manner come into or be in the hands, power, custody, or possession, or at the disposal of the said commissioners and their successors, under and by virtue of this act, and all interest, dividends, profits, and proceeds thereof, or any part thereof, (save and except the properties and funds respectively bequeathed by doctor *Hugh Boulter* and doctor *Richard Robinson*, and heretofore vested in the said trustees and commissioners of first fruits in *Ireland* as hereinbefore mentioned, and the interest, dividends, and proceeds thereof respectively, and also save and except such other funds and properties as may be hereafter bequeathed to or vested in the said commissioners under this act, and their successors, for any special purposes), shall be and the same are hereby declared to be applicable, and shall be applied in the manner and for the purposes following; (that is to say), for the providing, in such manner and proportions, and subject to such regulations, as the said commissioners shall deem fitting, things necessary for the celebration of divine service in the church or chapel of every parish, union, perpetual curacy, or chapelry, or chapel of ease in *Ireland*, as required and authorized by any rubric or canon in force in *England* or *Ireland*, and also for the payment of the salaries for maintenance of the parish clerks or sextons, or the clerks or sextons of any chapelry or chapel of ease, and also for defraying such expenses of building, rebuilding, enlarging, or repairing any church or chapel, or fencing and maintaining any churchyard as aforesaid, as have been heretofore defrayed by vestry assessment in *Ireland*, and also for supplying such parts or proportions of the expenses of providing for the said several matters aforesaid, and for putting into and keeping in repair cathedral and

Application of all monies and funds;

Exception.

parochial churches, as the said commissioners are hereafter directed to contribute for such purposes: provided always, that in future such parish clerk or sexton shall and may be appointed by the minister, and by him removable, with the consent of the bishop, for any misconduct.

Commission-  
ers shall  
contribute to  
rebuilding  
and repair-  
ing cathedral  
and parochial  
churches.  
21 G. 2. (1.)

LXIV. And be it further enacted, that in all cases where, under and by virtue of an act made in the twenty-first year of the reign of king *George* the second, intituled *an act for disappropriating benefices belonging to deans, archdeacons, dignitaries, and other members of cathedral churches, and for appropriating others in their stead, and also for the removal of the sites of ruined cathedral churches*, any parochial church shall have been or shall be made, or shall have become by usage or custom, cathedral and parochial, and in all cases where, under and by virtue of an act made in the parliament of *Ireland* in the thirty-ninth year of the reign of king *George* the third, intituled *an act for the repairing of cathedral churches in cases where the parish churches have been long in ruins*, any cathedral church shall have been or shall be made use of as a parish church, it shall and may be lawful for the said commissioners, and they are hereby required, to contribute to the repairs of such cathedral and parochial churches, in such proportion as has been agreed upon by and between the dean and chapter, or chapter, of such cathedral church, and by the protestant inhabitants of the parish or union in which such church is situate, that the inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such cathedral and parochial churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, and the privy council thereof, upon the petition of the dean and chapter or of the said commissioners, finally to adjust and ascertain the proportions in which such deans and chapters, or chapters, and said commissioners shall so respectively contribute for the purposes aforesaid; and the sums necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said deans and chapters, or chapters, and said commissioners respectively, subject however to the regulations hereafter mentioned with respect to monies to be expended in such purposes.

Certain parts  
of 7 G. 4.,  
c. 79, repeal-  
ed.

LXV. And be it further enacted, that from and after the commencement of this act, and save as hereinafter provided, so much and such parts of an act made in the parliament of the united kingdom in the seventh year of the reign of his late majesty king *George* the fourth, intituled *an act to consolidate and amend the laws which regulate the levy and application of church rates and parish cesses, and the election of churchwardens and the maintenance of parish clerks, in Ireland*, as hereinafter mentioned, shall be and the same are hereby repealed; (that is to say), so much and such parts of the said act as authorize and enable the archbishop or bishop of any diocese wherein any church which shall be made cathedral and parochial, or any cathedral church which shall have been made use of as a parish church, under the said recited acts made in the twenty-first year of king *George* the second, or the thirty-ninth year of king *George* the

third, is situate, to adjust and ascertain the proportions in which the deans and chapters and inhabitants shall respectively contribute as aforesaid to the rebuilding, enlarging, or keeping in repair of such churches; and also so much and such parts of the said act as authorize the making or levying of any church rate or parish cess or assessment for any of the following purposes, namely, the building, rebuilding, enlarging, or repairing of the church or chapel of any parish, union of parishes, or chapelry, or of any cathedral and parochial church, or cathedral made use of as a parish church, the providing things necessary for the celebration of divine service therein or in any of them, as required and authorized by any rubric or canon in force in *England* or *Ireland*, the providing a salary for the maintenance of any parish clerk or sexton, or the clerk of any chapelry or chapel of ease, or the defraying of the expenses of such building, rebuilding, enlarging, or repairing, or other necessary charges, or any of them, or the taking of any other proceedings in relation to such rate, cess, or assessment, for any of the foregoing purposes; and from and after the commencement of this act it shall not be lawful for any vestry called or holden in or for any parish, union, or chapelry, or place in *Ireland*, or for any person or persons, to make or levy any rate or assessment for any church purposes whatsoever; but all such rates or assessments upon any parish, union, chapelry, or place, or the inhabitants thereof or any of them, for any of the said purposes, and all proceedings for the making, assessing, applotting, or levying the same, shall, from and after the commencement of this act, wholly cease and determine; any law, custom, or usage to the contrary notwithstanding: provided always, that every rate, assessment, or applotment for any church purpose whatsoever shall be and shall be deemed to be by all courts of justice totally void as to so much thereof as provides for the aforesaid church purposes or any of them, any thing in the said act of the seventh of *George* the fourth to the contrary notwithstanding; provided that nothing herein contained shall be deemed, taken, or construed to make void the said rate or assessment as to so much thereof as shall have been assessed or applotted for any other purposes.

LXVI. And be it further enacted, that from and after the commencement of this act it shall not be lawful to make, applot, or levy any rate or assessment in any parish, union, chapelry, or place, for the purpose of repaying, by instalments or otherwise, any loan or loans heretofore made by the trustees and commissioners of the first fruits of ecclesiastical benefices in *Ireland*, for the purpose of building, rebuilding, enlarging, or repairing the church or chapel of any such parish, union, chapelry, or place, but that all sums so lent and advanced and remaining unpaid shall be and the same are hereby remitted and discharged; and all obligations to the king's majesty or otherwise, in the nature of collateral securities, for the repayment of such advances, shall be deemed and taken to be satisfied; provided that nothing herein contained shall affect or repeal any provision contained in any act or acts heretofore made in order to enforce the due application of any sum or sums of money so advanced, or the refunding thereof if not so applied.

Loans by  
board of first  
fruits for  
building  
churches  
remitted.



Yearly estimate of expenses to be transmitted to ordinary.

LXVII. And be it further enacted, that from and after the commencement of this act the incumbent, or, in his absence, the officiating curate or minister officiating as curate of every parish, union, or chapelry, or perpetual curacy, in *Ireland*, and the dean and chapter, or chapter, of every such cathedral and parochial church, or cathedral used as a parish church, in *Ireland*, shall and he and they are hereby required, on or before the first day of *November* in this present year, and on or before the first day of *June* in each and every succeeding year, to prepare or cause to be prepared an estimate of such sum or sums of money as will be necessary, according to his or their belief, for the ordinary repairs of the church or chapel of such parish, union, chapelry, or perpetual curacy, or of such cathedral and parochial church, or cathedral used as aforesaid respectively, for the ensuing year, and for providing things necessary for the celebration of divine service in every such church or chapel of any such parish, union, chapelry, or perpetual curacy, for such ensuing year, which estimate shall contain the several items and particulars of all the matters and things for which such sum or sums shall or may be required necessary for such church or chapel; and such estimate shall be transmitted by such person or persons whose duty it is to prepare the same to the ordinary of the diocese on or before the first day of *December* in this present year, and on or before the first day of *July* in each and every succeeding year, together with a certificate under the hand or hands of such person or persons, stating that according to his or their belief the several matters and things contained in such estimate are or will be necessary or proper to be done or executed or provided for the use of or in the church or chapel of such parish, union, chapelry, or perpetual curacy, or such cathedral and parochial church, or cathedral used as aforesaid, as the case may be, and that the charges for the same and every of them as contained in such estimate are reasonable and proper charges: provided always, that such estimate, except in the case of cathedral churches, before it be sent to the ordinary of the diocese, shall be first approved of by the rural dean of the deanery in which the church or chapel to which such estimate shall relate shall be locally situate, which approval shall be certified by signature affixed to such estimate.

Bishop or ordinary to certify.

LXVIII. And be it further enacted, that upon the receipt of such estimate and certificate as aforesaid the archbishop, bishop, or other ordinary of the diocese wherein such church or chapel shall be situate, or in case of the illness or absence from *Ireland* of such archbishop, bishop, or other ordinary, or during the vacancy of the see, then that the vicar general of such diocese shall and he and they are hereby required, when such estimate shall have been approved of by him, to signify his approbation thereof by certifying such approbation at the foot of such estimate, and to transmit such estimate, with such certificate of approbation thereof, to the said commissioners, who are hereby required to take the same into their consideration; and they are hereby authorized and required to grant the amount required by such estimate and certificate for the purposes aforesaid, or any of them, or such lesser sum as they in their discretion shall think fit, and to issue and pay the same to such

Commissioners to grant such sum as they may think fit.

person or persons, in such manner, and subject to such regulations as they shall think fit.

LXIX. And be it further enacted, that the said commissioners shall pay or cause to be paid on the first day of *September* in each year, in such manner as they shall think fit, for the maintenance of all and every the person or persons who at the passing of this act shall be clerk or clerks of any parish, union, or chapelry, or of any chapel of ease, (not being within the county of the city of *Dublin* or the suburbs thereof), in which there shall be a church or chapel fit for the celebration of divine service according to the rites and ceremonies of the united churches of *England* and *Ireland*, the following salaries, so long as such person or persons shall be and continue to be such clerk or clerks as aforesaid; that is to say, for the clerk of every such parish in the church or chapel whereof there shall be divine service usually celebrated on *Sundays* and festival days and also on two common days at least in the week, a sum not exceeding twenty pounds nor less than ten pounds, and in all other cases a sum not exceeding ten pounds nor less than five pounds, as and for the maintenance and maintenances of every such clerk respectively for the year next ensuing, and in satisfaction and lieu of all other fees, dues, and allowances whatever alleged or claimed to be payable to such parish clerk under any usage or custom.

Payment of clerk's salaries.

LXX. And be it enacted, that the said commissioners are hereby authorized and required to grant any sum or sums, not exceeding the sums of twenty pounds and ten pounds respectively above mentioned, which they in their discretion shall think fit, as and for the maintenance of any person or persons who shall from and after the passing of this act be appointed to the office of such clerk or clerks of such churches or chapels as aforesaid, and which salary shall also be in lieu and satisfaction of all other fees, dues, and allowances whatever alleged or claimed to be payable to such clerk under any usage or custom.

Salaries of clerks to be hereafter appointed.

LXXI. And be it further enacted, that if any church or chapel of any parish, or any such cathedral and parochial church, or cathedral used as a parish church, shall, by reason of any accidental injury or other unforeseen event, be in immediate want of any extraordinary repairs or rebuilding or expenditure thereon, or if it should become necessary to enlarge any such church or chapel, the said commissioners appointed under this act, upon the application of such dean and chapter, or chapter, or of the incumbent, or in his absence of the officiating curate or minister of such parish, approved by the ordinary of the diocese, shall and may pay and apply such sum or sums of money as they shall think fit and necessary, or as by the provisions of this act they are bound to contribute with respect to any such cathedral and parochial church, or cathedral used as aforesaid, in making or executing such extraordinary repairs, or rebuilding or enlarging of any such church or chapel, or such cathedral and parochial church, or cathedral used as aforesaid.

Commissioners may advance money for extraordinary repairs, &c.

LXXII. And be it further enacted, that if any church, chapel, or other building used for religious worship according to the usage of the united church of *England* and *Ireland* shall be maliciously or wantonly demolished, pulled down, burned, or set fire to, or in

Judge or judges of assize, &c. may grant compensation for

malicious injury or damage to churches, to be levied by grand jury presentment.

any manner maliciously or wantonly injured or damaged, it shall and may be lawful for the said ecclesiastical commissioners, or any person or persons to be by them deputed in that behalf, by writing under their common seal, to sue for and recover satisfaction and amends for such malicious or wanton demolition, burning, firing, or injury or damage as aforesaid, at the next assizes to be held for the county in which such church, chapel, or other building may be situate, or if in the county of *Dublin*, at the next presenting term, or if in the city of *Dublin*, at the next quarter sessions for the said city, by exhibiting to the judge or judges of assize, or to the court of king's bench for the said county of *Dublin*, or to the recorder of the city of *Dublin* if at such quarter sessions, a petition, praying such satisfaction and amends as aforesaid, and therein setting forth particularly the injury or damage done or committed, and the particular amount and nature thereof, by what number of persons such injury or damage was done or committed, and the names or descriptions of such offenders, so far as the same shall be known to the petitioners; and the matter of such petition shall be inquired into by such judge or judges of assize, or court of king's bench, or recorder, in open court, in the presence of the grand jury impanelled and sworn at such assizes or presenting term or sessions, on the oath of such person or persons as may be produced to testify as to the same; and if on consideration of the matter such judge or judges of assize, or recorder, shall be of opinion that such demolition, burning, firing, or other injury or damage was wantonly or maliciously done, such judge or judges shall inquire into the amount of such injury or damage done or committed as aforesaid; and the said grand jury shall thereupon, and they are hereby required, pursuant to the directions of such judge or judges, court of king's bench, or recorder as aforesaid, to present such sum or sums of money as shall appear to be the amount of the injury or damage committed as aforesaid to be raised either on the county, county of a city or town, barony, town or towns, parish or parishes, in or near which such offence shall have been committed, and in such proportions as they shall think fit; which sum or sums so presented as aforesaid shall be apportioned, levied, and raised by such ways and means and in such form or manner as other public money presented at the said assizes, or presenting term, or sessions; and such monies shall be paid to the said commissioners, or to the person or persons by them deputed as aforesaid, and be by such commissioners applied to rebuild or repair such church, chapel, or other building, and be for such purpose expended by such person or persons in such manner and subject to such regulations and security for the due application thereof as they shall think fit: provided that if any person or persons shall find himself, herself, or themselves aggrieved by any presentment to be made in pursuance of this act, such person or persons, in case the sum so presented do exceed the sum of five pounds, shall or may, at the said assizes, or presenting term, or sessions, traverse the same; which traverse shall be tried at the same or next ensuing assizes, presenting term, or sessions, as the judge or judges who shall allow the same shall think fit; and if on such traverse the issue shall be found for the traverser, such presentment shall be dis-

Traverse of presentment above £5 to be tried at same or next assizes.

charged, otherwise the same shall be final and conclusive to all persons; and in case the said issue shall be found against the traverser, it shall and may be lawful to and for the judge before whom the same shall be tried, in case he shall see fit, to award the costs thereof to be paid by the traverser, to be taxed and certified by the clerk of the crown, the payment whereof may be enforced, if necessary, by a summary order of his majesty's court of king's bench in *Ireland*: provided always, that the said commissioners, or the person or persons by them deputed as aforesaid, or the rector, curate, or other officiating minister, or, in case of vacancy of the benefice, any two inhabitants of the parish, within thirty days after such offence shall have been committed, shall give notice thereof to the high constable of the barony and to the churchwardens of the parish where such offence shall have been committed (if such high constable or churchwardens shall respectively reside within such barony and parish), who are hereby required forthwith to publish the same within such barony and parish; and if such high constable or churchwardens shall not reside therein as aforesaid, then such notice shall be given to some two inhabitants of such barony or parish.

Notice thereof to be given within ten days after offence committed.

LXXIII. And be it further enacted, that in all parishes and places where, by virtue of any law, statute, or custom, provision may heretofore have been made, by vestry or other assessment, for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of divine worship, or attendant or sexton, such provision by vestry or other assessment shall from and after the passing of this act wholly cease and determine; and it shall and may be lawful for the said commissioners under this act, by and out of the proceeds of the said annual tax, and the other funds as aforesaid by this act vested in them, to provide for all such purposes in such manner and proportions as to them shall seem fitting.

Any provision heretofore made by vestry assessment for maintenance of curates, &c. shall cease, and commissioners shall provide for same

LXXIV. Provided always, that it shall be lawful for the said commissioners, and they are hereby authorized, to appoint such sum or sums of money to be expended under such rules and regulations, and security for ensuring the due application thereof, as they in their discretion shall think fit.

Expenditure of such money to be controlled by commissioners.

LXXV. And be it further enacted, that every such incumbent, dean and chapter, or chapter, or other person or persons who shall have received from the said commissioners any sum or sums of money for any of the purposes hereinbefore mentioned, shall, within one year from the receipt of such sum or sums of money, return and transmit to the said commissioners a full statement and account of the expenditure of such sum or sums of money, and shall, if required by the said commissioners, verify the truth thereof upon oath, which oath any vicar general, surrogate, justice of the peace, master or master extraordinary in chancery, is and are respectively hereby empowered and required to administer.

Accounts to be furnished to commissioners.

LXXVI. And be it enacted, that it shall be lawful for the said commissioners to sue for any part of any sum or sums of money granted for any of the purposes aforesaid which may be unapplied or not duly accounted for as herein directed, or any surplus thereof after the execution of the said purposes, by civil bill before the assistant barrister of the county wherein such church and parochial

Commissioners may sue for money unaccounted for or unapplied.

church or cathedral used as aforesaid in respect whereof the same may be due shall be situate, provided that such sum sued for by such civil bill shall not exceed the sum of fifty pounds, and if the same shall exceed the sum of fifty pounds, then by action in any of his majesty's superior courts in *Ireland*: and provided further, that if the person retaining the same or not duly accounting shall be possessed of any ecclesiastical benefice or other ecclesiastical emolument, then the said commissioners shall take proceedings to recover the same by process of sequestration, which sequestration shall be applied for and issued on the certificate of the said commissioners, in the manner and subject to the regulations hereinbefore directed as to sequestrations in any other case to be applied for by the said commissioners.

Commissioners may apply surplus monies.

LXXVII. And be it further enacted, that when and so soon as in any year the said commissioners shall have in their hands any surplus or balance, after due provision shall have been made for the several objects and purposes hereinbefore mentioned, and not sooner, it shall and may be lawful for the said commissioners to apply and dispose of such surplus, or any part thereof, in such proportions as to the said commissioners shall seem fit, for all or any of the objects hereinafter mentioned.

Commissioners may advance part of surplus for building churches in certain cases.

LXXVIII. And be it enacted, that it shall and may be lawful for the said commissioners to advance or apply, out of the said surplus fund and monies at their disposal as aforesaid, such sum or sums as they shall think fit for the purpose of building churches or chapels of ease in any parish or place in *Ireland*, provided that an application in writing shall be made to such commissioners, through the bishop of the diocese, for such purpose, by at least twenty of the inhabitants of such parish or place, accompanied by a plan and estimate of the expense of building such church or chapel of ease, and that such application shall signify the willingness of the persons making the same to contribute or procure to be contributed, in such proportions as may have been mutually agreed upon by them, a sum not less than one fifth of the whole expenses as stated in such estimate, for the purpose of building such church or chapel of ease; and provided further, that before any advance for such purpose shall be made by said commissioners the several sums so subscribed or contributed shall be respectively paid or secured to be paid to the said commissioners, in such manner as the said commissioners shall appoint and require, and that for such purpose the said commissioners shall and they are hereby enabled to take such personal or real security as to them shall seem proper or necessary; and provided further, that such commissioners may employ an architect chosen by themselves to execute such building, and subject to such regulations as such commissioners shall think fit; and provided that if such sum or sums of money shall be paid by instalments, the last instalment shall be at least one fourth part of the whole sum granted for such purpose, and that such instalment shall not be paid until the said commissioners shall be satisfied, by the certificate of a competent architect, that the building of such church or chapel is completed in a sufficient and workmanlike manner, pursuant to the plan and estimate approved as aforesaid, and also by a certificate from the

ordinary of the diocese that he, upon inspection thereof, is satisfied with the execution of such work ; and the said commissioners shall have the like remedies for the recovery of any part of such sum or sums received from them for the purpose of any such building which shall not have been duly applied for such purpose, and shall remain over and above after the execution of such purpose, as hereinbefore provided as to sums granted by said commissioners for the purpose of repairing churches or chapels ; and the rents or profits which may arise from the letting or sale of pews and seats in such church or chapel shall be and become vested in such commissioners, to be employed by them as other monies which shall come into their hands under the provisions of this act : provided always, that if it shall appear to the said commissioners that, from the peculiar circumstances of any parish or place, it is expedient that a church or chapel of ease should be built in such parish or place, and that such application of twenty inhabitants as aforesaid, or contribution of one fifth of the expenses of building the same as aforesaid, cannot be obtained, it shall and may be lawful for the commissioners, upon the application of the bishop of the diocese, to advance, if they shall think fit, the necessary monies out of the funds at their disposal, without such application or contribution as aforesaid.

LXXIX. Provided nevertheless, and be it enacted, that in consideration of such subscriptions as aforesaid it shall and may be lawful for such commissioners to allot and assign such and so many of the seats and pews to be erected in said church or chapel of ease as to them shall seem fit or expedient to the persons who may have or entered into such subscription as aforesaid, according to such scheme for the classification thereof, with regard to the amount of their several subscriptions, as shall be proposed by such subscribers and approved by such commissioners ; and the pews so assigned to such subscribers as aforesaid shall be vested in them, and deemed and taken to be personal property, and assignable and transmissible as such.

Commissioners may assign pews to subscribers in consideration of subscriptions.

LXXX. And be it further enacted, that it shall and may be in like manner lawful for the said commissioners, out of any surplus funds or monies at their disposal, from time to time, and in such proportions as they shall think proper, to lend and advance, upon an application accompanied by a plan and estimate made by the incumbent of any benefice or parish, and approved of by the bishop of the diocese, any sum of money, not exceeding two years net income of such benefice or parish, to be applied to the purpose of building or improving a mansion or glebe house and offices, or in the purchase of houses already built, for the fit and suitable habitation of such incumbent and his successors, or, if the said commissioners shall so think fit, in the purchase of glebe or demesne lands fit and convenient for the erection of such glebe house and offices.

Commissioners may advance money for building glebe houses, &c.

LXXXI. And be it further enacted, that the incumbent of any such benefice or parish to whom any such money shall be so advanced, or in case of his death or removal before the repayment of the whole sum so advanced, his successor or successors for the time being, shall and he and they is and are hereby required and bound to repay to the said commissioners so much of the said sum

Money so advanced to be repaid by incumbent.

as shall become due, by instalments during their respective incumbencies, in manner following; that is to say, four pounds *per centum* of the sum so advanced on the first day of *July* next after the expiration of one year from the day on which same shall have been so advanced and lent (or within twenty-one days after), and four pounds *per centum* more of the sum advanced on the first day of *July* in every succeeding year (or within twenty-one days after), until the sum so advanced shall be wholly repaid.

Who shall not be deemed successors to such incumbents.

LXXXII. Provided always, and be it further enacted, that no person shall be deemed a successor, so as to be charged by or under this act, who shall die or be removed within the space of one year from the death or removal of the incumbent immediately preceding him.

In what manner successors shall be liable.

LXXXIII. Provided also, that no successor shall in any case be liable to pay any such instalment before the first day of *July* next after he shall have so become a successor chargeable under this act, nor to pay any more than one such instalment on such first day of *July*, notwithstanding that more than one year may have intervened between the death or removal of the last incumbent who had become chargeable with the payment of any instalment under this act and such first day of *July*.

For regulating payment of instalments by successors of incumbents removed before receipt of the whole sum granted.

LXXXIV. Provided also, that in cases where such last preceding incumbent shall die or be removed before he shall have received the whole of such sum so granted by way of loan, every person who shall be a successor of any such incumbent should be bound and obliged to repay to the said commissioners appointed under this act an instalment at the rate of four pounds *per centum* for the sum which shall have been actually so advanced to such incumbent on account of such loan (although the whole amount of such loan may not have been received by such incumbent) on the first day of *July* next after such person shall have become a successor chargeable by virtue of this act; and that no instalment not actually paid of any such loan shall be discharged, or be deemed or taken as discharged, by reason of the neglect or default of any incumbent in respect of the nonpayment of any instalment which may have become due and payable during his incumbency, it being the true intent and meaning of this act that instalments of every such loan shall continue to be paid until the whole amount of such loan shall be actually paid to the said commissioners.

To enforce punctuality, the commissioners to take a bond to his majesty, for payment of instalments with interest

LXXXV. And be it further enacted, that in order to enforce the punctual payment and discharge of such sums as shall be so lent and advanced in pursuance and by virtue of the provisions of this act, it shall and may be lawful for the said commissioners appointed under this act for the time being, and they are hereby required, to take and receive, previous to the advancing of any sum of money to any such incumbent, a bond from such incumbent, which bond shall not be subject to any stamp duty, binding him, with one or more sufficient sureties, and them, his and their heirs, executors, and administrators, jointly and severally, to the king's most excellent majesty, his heirs and successors, in a penalty amounting to double the sum advanced, conditioned for the due application of the money so to be advanced within two years from the advance, or for refunding to the said commissioners so much of the said money as shall not be so

applied within such time, and for the payment to the said commissioners of all such instalments of the said sum or sums at the several times before mentioned as may severally become due during his incumbency, with legal interest on such instalments respectively from the respective time when each instalment ought to have been paid until the actual payment thereof; which bond shall have the same force and effect as bonds to the king's most excellent majesty, and for his use, have by virtue of an act passed in *Ireland* in the twenty-first and twenty-second years of the reign of king *George* the third, intituled *an act for the more speedy and effectual recovery of the king's debts*, and suits shall and may be prosecuted and carried on upon such bonds, by the orders and under the directions of the said commissioners, for the recovery of the money which shall be due thereon, in such and the same manner as suits on bonds to the king's majesty may be prosecuted by virtue of the said act.

LXXXVI. Provided also, that it shall and may be lawful for the said commissioners, if they shall so think fit, at the time of making such advance, to signify their intention to require interest, at the lawful rate or any less rate, to be paid for the same from the time of advancing the said sum, or any other time, until repayment thereof; and in such case the bond aforesaid shall be framed and payment made accordingly.

When commissioners may signify their intention to require interest.

LXXXVII. And be it further enacted, that all and every sum and sums of money so to be advanced by the said commissioners appointed under this act to any such incumbent as aforesaid shall, with or without interest, as the case may be, from the time of advancing any part thereof, be a charge on all the glebe lands, tithes, composition for tithes, rents, moduses, salaries, stipends, fees, gratuities, and all other ecclesiastical emoluments and profits whatsoever arising or to arise from the benefice of which such person or persons shall be incumbent as aforesaid; and in case default shall be made in the due application of such advances, or the regular discharge of any of the said payments or any part thereof, on the days appointed for the payment thereof, by such incumbent, or his successor or successors, it shall and may be lawful for the said commissioners to recover the same by process of sequestration, and such sequestration shall be applied for and issued on the certificate of such commissioners in the manner and subject to the regulations hereinbefore directed as to sequestrations in any other case to be applied for by the said commissioners.

Sums advanced to be a charge on all the ecclesiastical emoluments of the benefice.

In default of repayment, commissioners may recover the same by sequestration.

LXXXVIII. And be it further enacted, that such sum or sums of money as shall be lent or advanced to any such incumbent by virtue of this act shall be distinguished and mentioned apart, in the usual certificate to be given by any archbishop or bishop by virtue of the acts now in force to enable an incumbent who builds to recover against his successor, from any and every sum or sums by any such incumbent laid out or expended out of his own proper income in the building of such glebe house and offices which would otherwise be allowed by such certificate; and a separate and distinct portion of the said certificate shall be allotted by the said archbishop or bishop for ascertaining the expenditure of the sum so lent and advanced by the said commissioners.

Sum lent to be distinguished in the certificate.



In case incumbent dies before the whole sum shall be advanced, successor to receive the remainder upon like security.

LXXXIX. And be it further enacted, that in case any such incumbent shall die or be removed before all the sums agreed to be advanced by the said commissioners appointed by virtue of this act for building or procuring such glebe house and offices as aforesaid shall have been actually advanced by the said commissioners, then and in such case his successor shall be entitled and bound to receive the remainder of the money so agreed to be advanced, and shall give in proportion to the money remaining to be advanced, the like security that had been given by his predecessor, by bond to the king's most excellent majesty, the penalty of which bond shall be recovered in manner hereinbefore declared and enacted with respect to the recovery of the penalty of the bond so given by his predecessor; and the money so advanced, with or without interest, as the case may be, shall also be charged on such benefice in the same manner as the money advanced to such first incumbent, and recoverable in the like manner.

Incumbent to keep buildings insured.

XCI. Provided also, and be it further enacted, that the incumbent for the time being of such benefice shall annually, at his own expense, until the last instalment of such sum shall be paid, keep the buildings on which money so lent and advanced shall have been expended regularly insured against fire at some public insurance office in *Great Britain or Ireland*, to the full amount at least of the sum so lent and advanced; and in default thereof it shall be lawful for the court of chancery or exchequer in *Ireland* to sequester the profits of such benefice, parish, union, chapelry, or perpetual curacy, in like manner as herein directed as to sequestrations issued on the petition of the said commissioners, until such insurance shall be made.

Notto extend to obstruct or alter the laws now in force for building glebe houses.

XCI. Provided always, that nothing herein contained shall extend or be construed to extend to limit or restrain the power by this act vested in the commissioners to grant any sum or sums of money gratuitously to any incumbent or perpetual curate for the purpose hereinafter mentioned, whether such incumbent shall or shall not have received a loan to be in part applied to the said purpose, nor to obstruct, annul, make void, or alter the laws now in force for building, repairing, or improving glebe houses, or any of them, save as herein mentioned; but that such incumbents, in case they shall think proper to proceed under and according to the said laws, may do so in the same manner as if this act had not been made.

Commissioners may grant £100 gratuitously in certain cases.

XCII. And be it enacted, that where the annual value of any benefice or of any perpetual curacy, which has not been augmented as herein mentioned, shall not amount to one hundred pounds *communibus annis*, and there shall be no glebe house thereon, it shall be lawful for the said commissioners gratuitously to grant a sum of one hundred pounds to the incumbent thereof, in such manner as they shall think fit, to enable him the better to carry on the building of a glebe house thereon, and before such house is begun to be built.

Power of commissioners to augment benefices.

XCIII. And be it further enacted, that it shall and may be lawful for the said commissioners under this act, when and as in their judgment it may be proper, out of such surplus funds and monies so as aforesaid from time to time remaining in their hands or at their disposal, to augment any benefice with cure of souls, living,

or curacy, appropriate or improper, or the maintenance of any parson, vicar, curate, and minister officiating in any church or chapel, or licensed place of worship in *Ireland* where the liturgy and rites of the united church of *England* and *Ireland* as now by law established are or shall be used and observed, and which shall appear to them to be under the clear yearly value of two hundred pounds, after allowing the deductions hereinbefore mentioned, either by the purchase of glebes or other lands, or tithes or compositions for tithes, or both, or by granting to the incumbent of such benefice or living, or to such parson, vicar, curate, or minister, an annual salary to be paid out of the rents, issues, and profits of the several lands or tenements and the interest or dividends of the several monies and properties hereby vested in such commissioners as aforesaid, or in any other manner as to the said commissioners shall seem fit: provided always, that the value of such benefice, living, maintenance, or curacy, together with such augmentation as aforesaid, shall not in the whole exceed the value of two hundred pounds by the year.

XCIV. Provided also, and be it further enacted, that no augmentation of the benefice or maintenance of any such parson, vicar, minister, or curate as aforesaid shall be made by any of the ways or means aforesaid by the said commissioners, unless there shall be at the time of such augmentation (or within three years after such augmentation shall be made, or purchased, or granted as aforesaid), within such benefice, living, or curacy a church or chapel or other licensed place of worship, where divine service as aforesaid may and shall be performed, every *Sunday* at the least, by such parson, vicar, curate, or minister whose benefice or maintenance shall be so augmented as aforesaid; and in case such augmentation by salary or otherwise shall be made as aforesaid where no such church or chapel, or other licensed place of worship, shall be, at the time of such augmentation being so made or granted as aforesaid, actually built, but the same is to be so made and granted in order to encourage the building or repairing such church or chapel, or other licensed place of worship, within three years as aforesaid, such augmentation shall, notwithstanding any such augmentation or grant as aforesaid, not commence or take place, nor shall any parson, vicar, curate, or minister be entitled to, or have any right whatever to demand or receive, such salary or augmentation but from the time when such church or chapel, or other licensed place of worship, shall be actually built and fitted for the performance of such divine service as aforesaid.

No augmentation, unless there is a church where divine service is performed, or to encourage the building or repairing of one within three years after.

XCV. And be it further enacted, that if the incumbent of any benefice, or any parson, vicar, minister, or curate, whose maintenance has been augmented by the trustees and commissioners of first fruits, or which shall be so augmented by the commissioners under this act, by the grant of such annual salary or otherwise, shall not reside upon such augmented benefice, living, or curacy, or so conveniently as shall be satisfactory to the bishop of the diocese, or shall be wilfully absent from the cure of such church or chapel for the service of which such augmentation has been or shall be so granted, for any period exceeding the space of sixty-one days together, or to be accounted at several times in any one year, and

If incumbent of augmented benefice do not reside, salary to cease.

and make his residence and abiding at any other place or places without such licence or exemption as allowed by an act passed in fifth year of the reign of his late majesty, intituled *an act to consolidate and amend the laws for enforcing the residence of spiritual persons on their benefices, to restrain spiritual persons from carrying on trade or merchandize, and for the support and maintenance of stipendiary curates, in Ireland*, and unless such parson, vicar, curate, or minister so to be absent by virtue of such licence or exemption shall find and provide a sufficient person, to be approved of by the archbishop, bishop, or other ordinary of such diocese, to supply the cure and perform divine service in such church or chapel as aforesaid during such absence; and if there shall be a discontinuance of the performance of divine service, except for the necessary repairs, or rebuilding, or enlarging of the said churches or chapels, or for other cause to be approved of by the archbishop, bishop, or other ordinary of the diocese, and certified to the said commissioners as aforesaid; then and in any of said cases such salary or augmentation so made or to be made of any such benefice, living, or curacy, and all right and title of any such parson, vicar, incumbent, curate, or minister to demand or receive such salary or augmentation, shall utterly cease and be determined, during his incumbency only, notwithstanding any such grant before made thereof; and that such parson, vicar, incumbent, curate, or minister shall for ever after be disabled and rendered incapable of having or enjoying such salary or augmentation, but that the same shall nevertheless be restored and payable to the next successor as if the same had not so ceased or been so suspended; and that the said salary or augmentation so stopped during the incumbency of such disabled person shall be vested in the said commissioners, to be applied by them to such uses and purposes as the same might have been applied to if the same had not been so granted as aforesaid.

If incumbent of augmented benefice take a second the first to be void.

XCVI. And be it further enacted by the authority aforesaid, that in case any incumbent of any such benefice, living, or curacy, or any parson, vicar, curate, or minister, whose maintenance shall be augmented by the grant of such annual salary or otherwise by the said commissioners under this act, or which shall have been at any time heretofore augmented by the said trustees and commissioners of first fruits in *Ireland*, shall accept and take any other benefice, living, or curacy, and be instituted and inducted into the possession of the same, that then the said benefice, living, or curacy which shall have been so augmented shall from thenceforth be and be deemed and adjudged absolutely void to all intents and purposes whatsoever; and that it shall be lawful for the archbishop, bishop, or other patron to collate or present thereto, in like manner and form as if the former incumbent had died or resigned, any licence, union, or other dispensation to the contrary in anywise notwithstanding; and that every licence, union, or dispensation, of what name or names, quality or qualities soever, obtained contrary to the true meaning and intention of this act, shall be absolutely void and of none effect; and in case any person already possessed of any benefice, living, or curacy shall be collated or instituted to any of the said benefices, livings, or curacies which have been heretofore augmented as aforesaid by the said

trustees and commissioners of first fruits in *Ireland*, or which shall be so augmented by the commissioners under this act as aforesaid, every such collation, presentation, or nomination shall be utterly void to all intents and purposes whatsoever: provided always, that no lapse shall incur upon any avoidance of any benefice, living, or curacy which shall happen in consequence of this act, until six months after notice shall be given, in all cases in which notice is now by law required, to the person or persons having a right to present or nominate to the same, by the archbishop or bishop of the diocese, or other ordinary for the time being, in writing under his or their hand and archiepiscopal or episcopal seal or seals of office respectively.

No lapse without notice to patron.

XCVII. And whereas the provision for augmenting such poor livings as shall be thought proper by the said commissioners to be so augmented is intended to extend not only to parsons, vicars, and curates who come in by presentation or collation, institution and induction, or licence, but likewise to such ministers who come in by donation, or are only stipendiary preachers or curates in and of impropriate or appropriate parishes, officiating in any church or chapel where the liturgy and rites of the united churches of *England and Ireland* as by law established shall be used and observed, some of which may happen not to be corporations nor have a legal succession, and therefore are incapable of taking a grant of such perpetual augmentation by a salary, or endowment of such tithes or land, as is by this act intended; and in some places it might be in the power of the impropiator, donor, parson, or vicar to withdraw the allowance now or heretofore paid to the minister or curate serving the cure, or, in case of a chapelry, the incumbent of the mother church might refuse to employ a curate, or permit a minister duly nominated or licensed to officiate in such augmented chapel, and might officiate therein himself, and take the benefit of the augmentation, though his living be above the value of those which are hereby intended to be augmented, and the maintenance of the curate or minister would thus be sunk, instead of being augmented; therefore be it enacted by the authority aforesaid, that all such churches, curacies, or chapels which shall at any time hereafter be augmented by the said commissioners shall be and are hereby declared and established to be, from the time of such augmentations, perpetual cures and benefices; and the ministers duly nominated and licensed thereunto, and their successors respectively, shall be and be esteemed in law bodies politic and corporate, and shall have perpetual succession by such name and names as in the grant of such augmentation shall be mentioned, and shall have a legal capacity, and are hereby enabled to take in perpetuity, to them and their successors, all such lands and tenements and tithes as shall be granted to or purchased for them by the said commissioners, or such annual salaries as shall be so granted pursuant to this act, any law or statute to the contrary notwithstanding; and that the impropiators or patrons of any churches or donatives of the benefices so augmented for the time being, and their heirs, and the rectors and vicars of the mother churches whereunto any such augmented curacy or chapel doth appertain, and their successors, shall be and are

Provisions hereof to extend to donatives and curates.

Curacies and chapels augmented to be perpetual cures and benefices.

hereby utterly excluded from having or receiving, directly or indirectly, any profit or benefit by such augmentation, and shall from time to time, and at all times from and after such augmentation, pay and allow to the ministers officiating in any church or chapel so augmented such annual and other pensions, salaries, and allowances which by ancient custom or otherwise, of right and not of bounty, ought to be by them respectively paid and allowed, and which they might by due course of law, before the making of this act, have been compelled to pay or allow to the respective ministers officiating here, and such other yearly sum or allowance as shall be agreed upon, if any shall be, between the said commissioners and such patron or impropiator upon making the augmentation; and the same are and shall be hereby perfectly vested in the ministers officiating in the church or chapel of the benefice so augmented, and their respective successors.

No rector or vicar discharged hereby from cure of souls.

XCVIII. Provided always, and be it enacted, that no such rector or vicar of such mother church, or any other ecclesiastical person or persons having cure of souls within the parish or place where such church or chapel of the benefice so augmented shall be situate, or his or their successors, shall be hereby divested or discharged from the same; but the cure of souls, with all other parochial rights and duties (such augmentation and allowances to the church or chapel of the benefice so augmented as aforesaid only excepted), shall hereafter be and remain in the same plight and condition as if such augmentation had not been made.

If augmented cure void for six months it shall lapse.

XCIX. And for continuing the succession in such augmented cures hereby made perpetual cures and benefices, and that the same may be duly and constantly served, be it further enacted by the authority aforesaid, that in case such augmented cures be suffered to remain void by the space of six months, without any nomination within that time of a fit person to serve the same, by the person or persons having the right of nomination thereunto, to the bishop or other ordinary, to be licensed for that purpose, the same shall lapse to the bishop or other ordinary, and from him to the metropolitan, and from the metropolitan to the crown, according to the course of law used in the case of presentative livings and benefices; and the right of nomination to such augmented cure may be granted or recovered, and the incumbency thereof may and shall cease and be determined, in the like manner and by the like method as the presentation to or any incumbency in any vicarage presentative may now be respectively granted, recovered, or determined: provided always, that in case the person or persons entitled to nominate to such augmented cure should suffer lapse to incur, but shall, before any advantage taken thereof by the ordinary, metropolitan, or crown respectively, nominate, such nomination shall be effectual as if made within six months, although so much time be before elapsed as that the title of lapse be vested in the crown.

Nomination before advantage taken of lapse, good.

Donatives to be subject to visitation.

C. And be it further enacted, that all such donatives which have been augmented by the said trustees and commissioners of first fruits in *Ireland*, or which shall be at any time hereafter augmented by the commissioners under this act, by virtue of the powers hereby given to them, shall be subject to the visitation and jurisdiction of

the bishop of the diocese wherein such donative is or shall be, to all intents and purposes of law whatsoever: provided always, that no donative shall be augmented without the consent of the patron or patrons in writing under his or their hands and seals first had and obtained.

Consent of patron necessary to augmentation.

CI. Provided also, that where the said commissioners under this act shall, in pursuance of the powers given to them by this act, think it convenient and fitting that any donative, curacy, or chapelry should receive an augmentation out of the lands, tenements, and hereditaments, or other funds and monies hereby vested in them, it shall and may be lawful to and for the said commissioners, before they make the said augmentation, to treat and agree with the patron of any donative, impropiator of any rectory impropriated without endowment of any vicarage, or parson or vicar of any mother church, as the case shall happen to be, for a perpetual, yearly, or other payment or allowance to the minister or curate of such augmented donative, curacy, or chapelry, and his successors, to be made in all succeeding times by such patron, impropiator, parson, or vicar, and his and their heirs and successors, and for charging and subjecting the impropriate rectory or mother church or vicarage therewith and thereunto in such manner and with such remedies for recovery thereof as shall be thought fit; and such agreement made with the lord lieutenant or other chief governor or governors of *Ireland* for the time being, by and with the advice and consent of six or more of his majesty's privy council in *Ireland*, testified under their hands, in cases where the king's most excellent majesty, his heirs and successors, are or shall be interested, or with any bodies politic or corporate, or any other person or persons, having any estate or interest in possession, reversion, or remainder in any such impropriate rectory, in his or their own right, or in right of their wives, or in right of his or their churches, or with the guardian or guardians or committee or committees, of or acting for any person or persons having such estate or interest who at the time of such consent shall be respectively infants, idiots, or lunatics, or under any other legal disability, or with any parson or vicar of any mother church, shall be respectively good and effectual to all intents and purposes in law, with respect to such charges, against his majesty, his heirs and successors, or against all or any such bodies politic and corporate, or against the person or persons so agreeing, their wives, heirs, and successors respectively, and every of them, and against all and every their issue, and against every other person and persons claiming in remainder or reversion after any estate tail in the premises, according to the form of such agreement, as fully and in like manner as if such agreement had been made by his majesty, his heirs and successors, under his and their great seal, and as if such bodies politic and corporate had been free from any restraint, and as if such other persons so agreeing had been sole seized in his and their own right of such donative, impropriate rectory, or mother church as aforesaid, at the time of making such agreement; and that the agreements of guardians or committees for or on behalf of infants or idiots or lunatics under their guardianship, or of whom they shall be committees as aforesaid, shall be as good and effectual to all intents and purposes as if the

Power to commissioners to agree with patron for yearly allowance.

Such agreement to be with consent of patron.

Bemedy in cases of improprators refusing to repair chancels or maintain officiating clergy-men.

Entries of augmentations and orders.

Copies to be evidence.

Power for commissioners to purchase house and land for augmented benefice.

said infants or idiots or lunatics respectively had been of full age and of sound mind, and had themselves entered into such agreement: provided always, that in case of any such agreement as aforesaid with any parson or vicar, the same shall be with the approbation and consent of his patron and ordinary; and in case of any such agreement made with any person in right of his wife, that the wife may be a party to the agreement, and seal and execute the same.

CII. And whereas it is expedient to provide a more effectual remedy in cases where the owners of impropriations or impropriate tithes are by law bound, but nevertheless refuse or neglect, to repair the chancel of any church, or maintain an officiating clergyman, in *Ireland*; be it therefore enacted, that from and after the passing of this act it shall and may be lawful for the said commissioners, or any archbishop or bishop of the diocese, to present a petition to the lord chancellor, lord keeper, or lords commissioners for the custody of the great seal, or master of the rolls, for the time being, or to the court of exchequer, in *Ireland*, praying such relief as the nature of the case may require; and it shall be lawful for the lord chancellor, lord keeper, and commissioners for the custody of the great seal, and for the master of the rolls, and the court of exchequer, in *Ireland*, and they are hereby required, to hear such petition in a summary way, and upon affidavits or such other evidence as shall be produced upon such hearing in support of or in answer to such petition, to determine the same, and to make such order therein and with respect to the costs of such petition, as to him or them shall seem just, and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby shall, within one year from the time such order shall have been passed and entered by the proper officer, have preferred an appeal from such decision to the house of lords, to whom it is hereby enacted and declared that an appeal shall lie from such order; and neither such petitions, nor any proceedings upon the same or relative thereto, nor the copies of any such petitions or proceedings, shall be subject or liable to the payment of any stamp duty whatever.

CIII. And be it further enacted by the authority aforesaid, that all augmentations, agreements, and orders made by the said commissioners in pursuance of this act shall be carefully examined and entered into a book to be provided and kept by their secretary or other officer or officers to be by them appointed for such purpose, and that such entries, being approved of by the said commissioners, and attested by them, shall be taken to be as records; and true copies thereof or of the said entries, being proved by one or more credible witness or witnesses, shall be deemed, taken, and adjudged to be good and sufficient evidence in law touching the matters and things therein contained or relating thereto.

CIV. And be it further enacted, that where any living, benefice, curacy, or chapelry shall have been augmented by the said trustees and commissioners of first fruits in *Ireland*, or shall be augmented by the commissioners under this act, by any of the ways or means aforesaid, and there is or shall be no parsonage or other house suitable for the residence of the minister, curate, chaplain, or incumbent,

it shall and may be lawful for the commissioners under this act, by and with the approbation and consent of the bishop of the diocese, and they are hereby empowered (in order to promote the residence of clergy on their benefices), to apply and dispose of any surplus funds or monies as aforesaid remaining in their hands or at their disposal, in such manner as they shall deem most advisable, in or towards the building, rebuilding, or purchasing a house and other proper erections within the parish, benefice, curacy, or chapelry, convenient and suitable for the residence of the minister thereof; which house shall for ever thereafter be deemed the parsonage appertaining to such living, benefice, curacy, or chapelry, to all intents and purposes whatsoever; and also in and towards the purchasing of any lands not exceeding in the whole forty acres, whether being within the local limits of the said benefice, curacy, living, or chapelry, or not, but so as that the same be situate convenient to such house so to be built, rebuilt, or purchased as aforesaid, such land so to be purchased being of freehold tenure, or copyhold of inheritance, or for life or lives, holden of any manor or lordship belonging to the same benefice, curacy, living, or chapelry; and which lands so purchased shall for ever, from and after the grant and conveyance thereof, be and become annexed to and glebe of such benefice, living, curacy, or chapelry, to all intents and purposes whatsoever, and be holden and enjoyed by such incumbent and his successors accordingly, without any licence or writ of *ad quod damnum*; and the whole or any part or parts of the said land which before such annexation were or was of copyhold tenure shall for ever from and after such annexation become and be of freehold tenure; the statute of mortmain, or any other statute or law, to the contrary notwithstanding; subject nevertheless to the laws now in force or that may hereafter be in force in *Ireland* for exchanging of glebes.

CV. And whereas two or more benefices, vicarages, or curacies may be contiguous, and of such small extent as that one church may be sufficient for the same, and the cure thereof may be conveniently attended by the same parson, vicar, or curate; and it may happen that such benefices, vicarages, or curacies are or shall be permanently united, and yet the whole value of such united benefices, vicarages, or curacies may not amount to the clear yearly value of two hundred pounds, according to the valuation hereinbefore mentioned; be it therefore declared and enacted by the authority aforesaid, that all and every the clauses and provisions in this act relative to the augmenting of single benefices, vicarages, or curacies, or chapelries, shall extend and be construed to extend to all such united benefices, vicarages, and curacies, when the same do not in the whole amount to the clear yearly value of two hundred pounds as aforesaid.

Provisions of act relative to augmenting single benefices to extend to united benefices not of the value of £200.

CVI. And be it further enacted, that from and after the commencement of this act, it shall and may be lawful for the said commissioners under this act, by instrument in writing under their corporate seal, by and with the consent of the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and of his majesty's privy council in *Ireland* in council assembled (six at

Commissioners may divide parishes in certain cases.



least consenting), and with the consent of the archbishop or bishop of the diocese, and of the respective patron or patrons, certified under his or their hand and seal or hands and seals, attested by two or more credible witnesses subscribing thereunto, to divide any parish in *Ireland*, the average annual value whereof shall exceed eight hundred pounds, and to separate and disunite from such parish any townland, townlands, district, parcel or parcels of land, and all tithes, composition for tithes, dues, and ecclesiastical emoluments whatsoever, from such townland, townlands, district, parcel or parcels of land arising or to arise and payable to the ecclesiastical incumbent of such parish, and thenceforth to annex and unite in perpetuity, by the same or a different instrument, any such townland, townlands, district, parcel or parcels of land, and all such tithes, composition for tithes, dues, and ecclesiastical emoluments whatsoever therefrom arising or to arise, to any other adjoining parish or parishes the annual average value of which respectively shall not exceed two hundred pounds: provided nevertheless, that the annual value of any such parish so divided as aforesaid shall not by such division be in any case reduced below the sum of three hundred pounds.

Such division  
not to take  
effect until  
death of in-  
cumbent.

CVII. And provided also, and be it enacted, that any such division of any parish shall take effect and come into operation upon the death or removal of any person who shall be the incumbent of any such divided parish at the time of the commencement of this act, or at the time when such division shall be made as aforesaid, as the case may be, and not sooner; and that then and for ever thereafter such townland, townlands, district, parcel or parcels of land, and all such tithe, composition for tithe, dues, and ecclesiastical emoluments whatsoever therefrom respectively arising or to arise, shall cease to be or to be deemed a part or parts of or annexed to such divided parish, and shall become and be and be deemed a part or parts of or annexed to such augmented parish or parishes, to all intents and purposes whatsoever.

Commis-  
sioners may  
divide also  
the glebe be-  
longing to  
parishes so  
divided.

CVIII. And be it further enacted, that it shall and may be lawful for the said commissioners, with such approbation and consent and in such manner as are hereinbefore last mentioned, to divide and separate the glebe belonging to any such parish so divided, and to grant a portion of such glebe to the incumbent of such divided portion of the parish or of such augmented parish, as the case may be, as and for a glebe for such parish, subject, however, to the laws now in force or that may hereafter be in force for the exchange of glebes; and that all such divisions of glebes shall be good, firm, and valid in law; and that such part or parts of such glebe as shall be so annexed shall be always deemed and taken to be the glebe or glebes of such parish or parishes to which the same shall be so annexed; and that the incumbent or incumbents of such parish or parishes to which the same shall be so annexed shall hold and enjoy such part or parts of such divided glebe, being so annexed, in as full and ample a manner to all intents and purposes as if such part or parts of such glebe had been always held with and enjoyed as the glebe belonging to such parish or parishes to which the same shall be so annexed, any law or usage to the contrary notwithstanding.

CIX. And be it further enacted, that whenever any patron of any parish so to be divided as aforesaid shall happen to be a minor, idiot, lunatic, or feme covert, it shall and may be lawful for the guardian, committee, or husband of every such patron to consent to such division as aforesaid for such patron, and to certify his, her, or their consent under his, her, or their hand and seal or hands and seals, for such patron, who shall be bound thereby in such manner, and the same shall be as valid and effectual, as if he or she had been of full age, or sound mind, or feme sole, and had expressed such consent as aforesaid.

Guardians,  
committees,  
&c. may  
consent.

CX. And be it further enacted, that before any such division or augmentation of any parish or parishes as last aforesaid shall be made and concluded, the bounds of such parish or parishes shall be ascertained by instrument in writing in manner following; (that is to say), the said commissioners under this act, by instrument in writing under their seal, shall and may set out and describe the bounds of such parishes, and the several townlands or other parcels or denominations of lands which shall be comprised within such parishes respectively; and a copy of such instrument shall, within fourteen days from the date thereof, together with a map and survey of the said parishes respectively, and a statement of the annual value of the same, and of such part or parts to be so separated and disunited from such divided parish as aforesaid, be transmitted to the lord lieutenant or other chief governor or governors of *Ireland* in council, and the lord lieutenant or other chief governor or governors in council shall confirm or alter the bounds of such parish or parishes so set out and described in such instrument, as the circumstances of the case may seem to require, and shall order such instrument to be altered accordingly: provided always, that such instrument so altered by any such order, or if no order shall be made thereupon by the lord lieutenant or other chief governor or governors of *Ireland* in council within six weeks after the date of the transmission of the copy of such instrument to the council office in *Dublin Castle*, then such instrument as originally transmitted, shall be entered in the registry of the diocese, (for which entry the sum of thirteen shillings and four-pence, and no more, shall be paid to the registrar), and shall also be enrolled in the rolls office of the high court of chancery in *Ireland*, for which enrolment the sum of thirteen shillings and four-pence, and no more, shall be paid, over and above the expenses usually paid to the clerk for engrossing the same.

Bounds of  
parishes to  
be first as-  
certained,  
and map and  
statement of  
value trans-  
mitted to  
lord lieuten-  
ant, who  
shall confirm  
or alter same

CXI. And in order to prevent disputes which might arise upon the apportioning of any crown rents, port corn rents, pensions, procurations, synodals, and salaries payable to the schoolmasters of the diocesan schools by the several incumbents of any such divided or augmented parish or parishes; be it enacted, that it shall and may be lawful for the said commissioners under this act, and they are hereby empowered and directed, to settle and adjudge the proportions of crown rents, port corn rents, pensions, procurations, synodals, and the salaries of the said schoolmasters which the incumbents of any such divided parish and such augmented parish or parishes are respectively to pay; which proportion, being so adjusted by an adjudication in writing under the seal of the said

Commis-  
sioners shall  
adjust pro-  
portions of  
crown rents,  
&c. to be  
paid by in-  
cumbents  
of divided  
parishes.

commissioners, and registered in the register book of the bishop of the diocese wherein such parishes are situate respectively, shall be the proportions which the incumbents of such divided and of such augmented parishes are respectively to pay, and shall be binding and conclusive upon the said several incumbents of such divided or augmented parish or parishes respectively, and their respective successors, any law or custom to the contrary notwithstanding.

Incumbent of divided parishes entitled to receive disbursements from next successor, as if parish had not been divided.

CXII. And be it further enacted, that where any parish shall be divided in manner aforesaid, and that the incumbent of any such divided parish shall be entitled to receive any sum of money from his next successor in such parish, in case the same had not been divided, on account of any purchase of glebe, or addition to the glebe, or of any buildings or improvements made on the glebe of such parish, or any money paid by him to his predecessor on such account, according to the laws in force for that purpose, such incumbent shall have and be entitled to receive from his next successor in that part of such divided parish within which such additional glebe shall be situate, or on which such buildings or improvements shall have been made, the same sum as he would have been entitled to receive if the said parish had not been divided, provided that the sum so to be received shall not exceed two years income of that part of the parish; and such incumbent, having paid such proportion of the said money, shall be entitled to receive such proportion of the money so to be paid from his successors, according to the laws in force for that purpose, in such manner as he ought in case such parish had not been divided; and it shall not be lawful for the said commissioners to divide any parish the incumbent whereof shall be liable to any such payment in such manner as that the sum to be paid by him shall exceed two years' income of the divided part of the parish in which such buildings or improvements shall be situated.

Where assent of his majesty is required assent of the lord lieutenant to be good.

CXIII. Provided always, and be it further enacted, that where the assent of the king's majesty, his heirs or successors, is to be given to the making of any such division of any parish as aforesaid, or to the annexing or uniting a part or parts thereof to any adjoining parish or parishes as aforesaid, the assent of the lord lieutenant or other chief governor or governors of *Ireland* for the time being thereto, under his or their hand and seal or hands and seals, shall to all intents and purposes be as good, valid, and effectual in law as if the consent of his majesty, his heirs or successors, were thereunto signified by letters patent under the great seal of *Ireland*: provided always, that such consent of the lord lieutenant or other chief governor or governors of *Ireland* shall be enrolled in the rolls office of the high court of chancery in *Ireland*, together with the instrument making and setting forth such division as aforesaid, for the enrolment of which consent the sum of three shillings and sixpence, and no more, shall be paid, over and above the expenses usually paid to the engrossing clerk for the same.

Commissioners may pay compensation to patrons in certain cases.

CXIV. And be it further enacted, that where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be divided as aforesaid, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners

under this act, if they shall think fit so to do, out of the surplus funds remaining in their hands, upon obtaining the consent of such patron or patrons to such division of any such parish as aforesaid, to pay unto such patron or patrons such sum or sums of money as the said commissioners shall think fit as a compensation for the diminution of the annual value of such living or parish, so that such sum or sums of money shall in no case exceed twelve years purchase of the annual sum by which the income or annual value of such divided parish shall be reduced by means of and in consequence of such division as aforesaid; and such sum or sums of money shall be and become vested in and settled upon the same person or persons, and for and upon the same uses, estates, trusts, and limitations, and subject to the same powers, conditions, charges, and incumbrances, as the advowson of or right of presentation to such divided parish was vested in, settled upon, or subject to, or would have been vested in, settled upon, or subject to, or as near thereto as the nature of the case may admit.

CXV. And be it further enacted, that where any person or persons, other than the crown, or an archbishop or bishop, shall be patron or patrons of any living or parish so to be augmented by the annexation thereto of any part of any such divided parish, or shall be entitled to present a clerk thereto upon any vacancy or turn thereof, it shall and may be lawful for the said commissioners under this act, and they are hereby directed and required, and shall be entitled to demand, take, and receive from such patron or patrons of any such augmented parish or parishes such sum or sums of money as shall be mutually agreed upon by and between such commissioners and the respective patron or patrons, or, in case of disagreement between them, shall be fixed and determined by three arbitrators, to be chosen in the same manner as in the case of arbitrators appointed for the settlement of differences between the said commissioners and parties applying for the purchase of perpetuities under this act, and under and subject to the like regulations, so far as the same are applicable; which sum or sums of money so to be received by the said commissioners shall be added to the general funds of the said commissioners for the purposes of this act; and in default of payment of such sum or sums of money to the said commissioners within six calendar months after a demand thereof by notice in writing shall have been made and served upon such patron or patrons, the said sum or sums of money shall be and become a charge or lien on such advowson or on the inheritance of the same, and be paid and payable to the said commissioners, with interest thereon, in priority to all other charges or incumbrances upon such advowson.

Commissioners may require compensation in certain cases.

CXVI. And be it enacted, that whenever any benefice whereof the king shall be patron, or the right of presentation or collation whereto shall be in any archbishop, bishop, or other dignitary, or in any ecclesiastical corporation, shall, after the passing of this act, become void in any manner whatsoever, and that it shall appear to the commissioners under this act, by the certificate of the ordinary, that divine worship shall not have been celebrated therein for the three years next preceding the first day of *February* one thousand

Commissioners may suspend appointment of clerk to any benefice where divine worship shall not have been celebrated for three years.

Tithes and profits of such benefice to vest in commissioners.

Application of them.

Authorising the appointment of an officiating minister in any unfilled benefice, or the occasional assistance of the minister of some adjoining parish.

Archbishop or bishop to be associated

eight hundred and thirty-three, then and in such case it shall be lawful for the said commissioners, if they shall so think fit, by an instrument under their corporate seal, to direct that the appointment presentation, or collation of any clerk to such benefice shall be suspended until such commissioners shall think fit by a like instrument otherwise to direct; and in the meantime, and for and during such period as such benefice shall remain vacant, all and every the tithes, profits, and emoluments whatsoever belonging or appertaining thereto, and all arrears thereof which may have accrued due since the said benefice may have become void as aforesaid, shall be vested in and received by the said commissioners under this act, to be by them applied to the building or repairing of the church and glebe house in the said benefice; and if the circumstances of such benefice shall not require such application of the said funds, then to be paid into the general fund under the administration of the said commissioners; and the said commissioners shall have all and every the like remedies for the recovery of such tithes, profits, and emoluments, and all arrears thereof, as any clerk filling such benefice might or would have, and shall be for all such intents and purposes in the place and stead of such a clerk; and it shall and may be lawful for the said commissioners and the archbishop or bishop associated with them, pursuant to the provision hereinafter contained, in any case where the spiritual wants of any benefice so unfilled as aforesaid, shall appear to require the appointment of an officiating minister, so to declare, and to appoint such moderate stipend or salary, to be paid to such officiating minister as they shall think proper, and thereupon the bishop of the diocese shall appoint and license a curate for the performance of ecclesiastical duties within such benefice for and during such period as the same shall remain unfilled; and in case the spiritual wants of such benefice shall not appear to require the appointment of such curate, then and in such case, and for and during such period as aforesaid, the cure of souls, and all and every the occasional duty or duties within such benefice so remaining unfilled as aforesaid, shall be committed to the incumbent or officiating minister of some adjoining parish, to be remunerated by a moderate stipend or salary, in like manner fixed by the said commissioners and the archbishop or bishop associated with them, such incumbent or minister to be nominated and appointed by the ordinary, and whom such ordinary is hereby required to nominate and appoint at the request of the commissioners under this act, under such regulations as he may think fit to make; and the ordinary shall and is hereby required, when thereunto required by the commissioners under this act, to grant such certificate as aforesaid in all such cases as aforesaid; and the said commissioners shall, from and out of the tithes, profits, and emoluments of such benefice hereby vested in them, pay to the curate so appointed as aforesaid, or to the incumbent or officiating minister to whom the cure of souls and occasional duty shall have been committed, as the case may be, such stipend or salary as may have been fixed and determined in manner aforesaid.

CXVII. Provided always, and be it enacted, that whensoever the said commissioners under this act shall propose to suspend the

appointment, presentation, or collation to any benefice, under the power hereinbefore vested in them, or of removing such suspension if it shall have taken place, they shall in either of such cases give notice of such intention to the archbishop or bishop of the diocese in which such benefice shall be situate, unless he happen to be one of the said commissioners; and such archbishop or bishop shall be associated with the said commissioners in determining upon the propriety of directing or removing such suspension as aforesaid, and shall and may vote upon all questions relating thereto as if he were a commissioner, and be deemed and taken to be for such purpose or purposes a member of the said corporation of the ecclesiastical commissioners of *Ireland*.

with commissioners in determining upon suspensions or removals of suspensions.

CXVIII. Provided also, and be it further enacted, that in any case in which the said commissioners shall direct that the appointment, presentation, or collation of a clerk to any benefice shall be suspended, a full statement of the reasons on which such direction was founded, comprising the several particulars of the extent of such benefice, its annual value, the amount of the population, the number of protestants residing within it, the condition of the church and glebe house, if any, and the quantity of land belonging to it, shall be entered in a book to be kept for that purpose, and preserved among the records of the commission.

Statement to be made of reasons for such suspensions.

CXIX. And whereas by an act made in the parliament of the united kingdom, in the fifth year of the reign of his late majesty king *George* the fourth, intituled *an act to consolidate and amend the laws for enforcing the residence of spiritual persons on their benefices, to restrain spiritual persons from carrying on trade or merchandize, and for the support and maintenance of stipendiary curates*, bishops are authorized and empowered to pay over certain sums therein mentioned to the trustees and commissioners of first fruits in *Ireland*, for certain purposes therein also mentioned; be it therefore enacted, that all and every payment made to the commissioners of this act, in the manner and form and for the purposes directed and specified by said recited act, with respect to payments to said trustees and commissioners of first fruits, shall be as good, valid, and effectual to all intents and purposes; and such sums, when paid, shall be applied by the commissioners of this act for the purposes in said recited act mentioned, in the same manner as if such payments had been made to the said trustees and commissioners of first fruits, and as if this act had not been passed.

Certain monies payable under 5 G. 4, c. 91, to be paid to commissioners of this act.

CXX. And whereas the commissioners under this act may hereafter purchase houses not situate within the parishes for which they are purchased, but so near as to be sufficiently convenient and suitable for the residence of the officiating minister thereof; be it therefore enacted, that such houses, having been previously approved by the bishop by writing under his hand and seal, and duly registered in the registry of the diocese, shall be deemed houses of residence appertaining to such benefices to all intents and purposes whatsoever.

House purchased by commissioners to be the house of residence.

CXXI. And be it further enacted, that it shall and may be lawful for the commissioners of this act to lend and advance all and every such sum and sums of money, and to give such consents, and to do and perform such acts, matters, and things, and on such securities,

General powers of commissioners to do all acts which trustees of first

fruits could have done, if not otherwise provided for;

to bring actions;

to pay debts;

and to perform contracts.

Mandamus may be directed to persons making default.

and in such manner and form respectively, as by any statute or law in *Ireland* in force at the passing of this act the trustees and commissioners of first fruits in *Ireland* might or were empowered or authorized to have lent and advanced, given and done, if this act had not been passed; all which securities, loans, consents, acts, matters, and things, when made, entered into, given, and done, respectively shall be valid and effectual to all intents and purposes whatsoever, unless it is or shall be enacted or declared to the contrary or otherwise provided for by this act, or by any other act hereafter to be made; and that all and every action or proceeding for breaches of covenant, or otherwise, which has been commenced, or which might at any time hereafter, if this act had not been made, have been taken, commenced, and carried on by the said trustees and commissioners of first fruits in *Ireland*, shall and may be commenced, taken, and carried on at any time hereafter by the commissioners of this act, in the name of their secretary, as if they had been expressly named in any deed, covenant, agreement, writing, or security, or in any act or acts of parliament, on or under or by virtue whereof such action or proceeding might have been and shall be so commenced, taken, and carried on; and that all and every sum and sums to be recovered in any such action or proceeding shall and may be applied and disposed of by the commissioners of this act to such of the purposes hereof as they in their discretion shall think fit; and that the commissioners of this act shall pay, satisfy, and discharge, out of the funds hereby vested in them, all debts legally due by said trustees and commissioners of first fruits in *Ireland*, whether for and on account of salaries due to any of their officers, bills of costs, or otherwise, or any other account whatsoever, at the passing of this act, which said trustees and commissioners of first fruits would have been bound to pay if this act had not been passed; and shall and may perform and execute all and every covenant, contract, or agreement lawfully entered into and made by the said trustees and commissioners before the passing of this act; and shall do and perform all and every act, matter, and thing lawfully covenanted, agreed, or contracted to be done, performed, and executed by or on the part of said trustees and commissioners of first fruits, and which the said trustees and commissioners would have been bound to perform, execute, and do, if this act had not been passed.

CXXII. And be it further enacted, that in case of any refusal or neglect of any archbishop, bishop, archdeacon, dean, prebendary, parson, vicar, curate, incumbent, or other spiritual person as aforesaid, by whatever name called, known, or described, or any other person or persons whatsoever, to make or cause to be made any of the returns hereby required or directed to be made to the said commissioners of this act, or to do any act, matter, or thing hereby directed or required to be done by them or any of them, it shall be lawful for the court of king's bench in *Ireland* to direct a writ of mandamus, or any other writ that may be necessary, to any such archbishop, bishop, archdeacon, dean, prebendary, or other spiritual or other person as aforesaid, to enforce the making such returns, or the performance of such acts, matters, and things, by such spiritual or other person as aforesaid, pursuant to this act.

CXXIII. And be it further enacted, that if any person, upon examination on oath or affirmation before the said commissioners of this act, or the commissioners to be named and authorized in and by any commission to be issued in pursuance of this act, or in any affidavit, deposition, or affirmation before any judge, baron of the exchequer, vicar general, surrogate, master or master extraordinary in chancery, or justice of the peace, in any matter relating to the execution of this act, shall wilfully and corruptly give false evidence, or shall in any such affidavit, deposition, or affirmation wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such pains and penalties as by any law now or hereafter to be in force in *Ireland* any persons convicted of wilful and corrupt perjury are or may be subject and liable to.

Punishment  
for perjury.

CXXIV. And whereas several parishes, or the tithes or portions of tithes and glebes thereof, are appropriated or united to certain archbishoprics, bishoprics, deaneries, archdeaconries, dignities, prebends, or canonries; and it is expedient that the same should be disappropriated, disunited, and divested out of such archbishoprics, bishoprics, deaneries, archdeaconries, dignities, prebends, or canonries, and vested in the respective vicars or curates discharging the duties of the parishes in which the said benefices, tithes, or portions of tithes are respectively situate: and whereas the now deans of *Down* and *Raphoe* freely consent that such arrangements as aforesaid should be made in respect of their several deaneries, and the parishes or tithes or portions of tithes and glebes appropriated or united thereunto: be it therefore enacted, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and his majesty's privy council there, in the case of the said deaneries of *Down* and *Raphoe*, when and as they may so think fit, and in the case of any and every archbishopric, bishopric, or other deanery, or archdeaconry, dignity, prebend, or canonry, by and with the consent and approbation of the archbishop, bishop, dean, archdeacon, dignitary, prebendary, or canon thereof, or whensoever such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry shall be void, to disappropriate, disunite, and divest any rectory, vicarage, tithes or portions of tithes, and glebes, or part or parts thereof, from and out of said deaneries of *Down* and *Raphoe* respectively, or from and out of any archbishopric, bishopric, or other deanery or archdeaconry, dignity, prebend, or canonry, and to unite any such rectory, vicarage, tithes or portions of tithes to the vicarages and perpetual or other curacies of such parishes respectively, so that each such rectory, vicarage, tithes or portion of tithes, and glebes, or part or parts thereof, shall, with its respective vicarage, perpetual or other curacy, form a distinct parish or benefice: provided always, that whenever a vicarage or perpetual curacy to which any rectory, vicarage, tithes or portions of tithes, and glebes, or part or parts thereof, shall have been so united as aforesaid, shall have been previous to such union augmented either by the trustees and commissioners of first fruits in *Ireland*, or by the said ecclesiastical commissioners, and that the

Lord lieutenant, with consent of archbishop, bishop, dean, &c. may disunite rectory, &c. from archbishopric, bishopric, deanery, &c.



whole of the net income of the benefice erected by such union as aforesaid shall exceed the sum of two hundred pounds, that then and in such case the said augmentation, or the portion thereof whereby the whole income of such benefice shall exceed the sum of two hundred pounds, shall cease and determine.

In case bishopric be reduced below £4,000, commissioners to make up deficiency

CXXV. Provided always, and be it enacted, that in case any bishopric shall by such means as aforesaid be reduced below the annual value of four thousand pounds, the said commissioners under this act shall, from and out of the funds vested in them by this act, pay to the bishop of such bishopric for the time being such annual sum as may be necessary, at the time of disappropriating the said tithes or portions of tithes or glebes, to make up such full annual value of four thousand pounds.

Patronage to be exercised by person having right of appointment.

CXXVI. And be it further enacted, that whenever, pursuant to the provisions aforesaid, any rectory, vicarage, tithes or portion of tithes, or glebe or portions thereof, shall be united to any vicarage or perpetual curacy, then and in such case the right of presentation to such rectory, vicarage, or perpetual curacy, in any and every vacancy thereof happening at any time after such disappropriation and union as aforesaid, shall belong to and be exercised by the king's majesty, his heirs or successors, or by the archbishop, bishop, or other dignitary, or corporation or person having the right of grant, nomination, election, or appointment to the dignity, prebend, or canonry whereunto such rectory, vicarage, tithes or portions of tithes, or glebe or portion thereof, had, before such disappropriation, been united or annexed, and the dignitary, corporation, or person having the previous right of presentation to such rectory, vicarage, or perpetual curacy, in such turns or rotation and according to such manner as the lord lieutenant or other chief governor or governors and privy council of *Ireland* shall direct.

Archdeacons in Ireland to have same powers as archdeacons in England.

CXXVII. And whereas the duties of archbishops and bishops in *Ireland* will be, by the aforesaid unions and consolidations of dioceses, considerably increased: and whereas doubts have arisen whether archdeacons in *Ireland* can lawfully exercise the same powers as may be exercised by archdeacons in *England*; be it therefore enacted by the authority aforesaid, that the several archdeacons in *Ireland* shall have and shall be deemed and taken to have and exercise all such powers, rights, authorities, privileges, and jurisdictions within their respective archdeaconries as any archdeacons in *England* have or may exercise within their respective archdeaconries by any law, statute, canon, or general custom in force in *England*.

Tenants of bishops' lands enabled to apply for a perpetuity therein, by notice to the commissioners under this act.

CXXVIII. And whereas it is expedient that the tenants or lessees of the lands of archbishops or bishops, and other sole ecclesiastical corporations, in *Ireland*, should be empowered to purchase a perpetual estate or interest in such lands and premises; be it therefore enacted, that from and after the commencement of this act it shall and may be lawful for any tenant or tenants, lessee or lessees, holding or who shall hold under or by virtue of any lease or contract for term of twenty-one years, or for term of twenty-one years or three lives, or for three lives, or for term of forty years, immediately from and under any archbishop or bishop or other sole ecclesiastical corporation in *Ireland*, any lands, premises, or hereditaments belonging to the respective

sees or other spiritual promotion or dignity of any such archbishop or bishop or other sole ecclesiastical corporation, to purchase the fee simple and inheritance of and in the said lands, premises, and hereditaments so held by him or them as aforesaid, in the manner and at the rate of purchase money, and subject to the perpetual annual rents, and to the provisoes, restrictions, regulations, and conditions hereinafter mentioned; (that is to say), that it shall and may be lawful for any such tenant or lessee, by notice in writing under his hand, to notify to the said commissioners under this act, and to such archbishop or bishop or other ecclesiastical person under whom such lands, premises, or hereditaments are or shall be held, that he, such tenant or lessee, is ready and willing to purchase the fee simple and inheritance as aforesaid of and in the said lands, premises, or hereditaments so held by him under such archbishopric or bishopric or other spiritual promotion or dignity, in the manner and pursuant to the provisions of this act; and that thereupon the said commissioners shall and may they are hereby authorized and required to ascertain the annual rent or rents now thereby reserved and payable by virtue of such lease or contract out of the said lands and premises, and the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said lands and premises, in the case of leases usually renewed every or every alternate or every third year, for and during the period of nine years next preceding the service of such notice; and in the case of leases usually renewed at longer intervals, and in the case of leases for lives, for and during such period as shall include the three last previous occasions of such renewal; and every such archbishop or bishop or other ecclesiastical person under whom the said lands and premises shall be held as aforesaid shall, upon being thereto required by the said commissioners by writing, certify to the said commissioners, by writing under his hand and seal, the amount of such annual rent, and every such fine and fines and fees so paid, or agreed to be paid, or usually paid or payable as aforesaid, for and during such period as aforesaid; and that it shall and may be lawful for the said commissioners under this act, and they are hereby empowered, if they shall so think fit, or shall be required by requisition under the hand and seal of the said archbishop or bishop or other ecclesiastical person, or tenant or tenants, lessee or lessees, to issue a commission under their seal to inquire into and ascertain the amount of such annual rent and such renewal fine or fines and fees as aforesaid so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the period aforesaid; which commission shall issue in the same manner, and subject to the like rules and regulations, with the like powers, as is and are hereinbefore provided with respect to commissions directed to be issued for inquiring into the annual value of ecclesiastical benefices.

CXXIX. Provided always, and be it enacted, that it shall and may be lawful for the said commissioners, and they are hereby empowered and directed, in each and every case in which they shall proceed to ascertain the amount of the annual rent or rents reserved and payable out of the lands and premises in which the tenant,

Commissioners in ascertaining amount of annual rent shall not include any

sum added  
thereto since  
16th August  
1832.

lessee, or assignee thereof shall be desirous to purchase the fee simple and inheritance as aforesaid, to inquire and ascertain whether any and what addition has been made to the rent or rents reserved and payable to any archbishop or bishop or other ecclesiastical person out of the said lands and premises since the sixteenth day of *August* in the year one thousand eight hundred and thirty-two; and in case it shall appear that the said yearly rent or rents has or have been increased since such period, and that such increase has been made in consequence of the change of the liability to the payment of the composition for tithes, then and in every such case the said commissioners shall separate the sum or sums which shall so appear to have been added on the aforesaid account to the yearly rent or rents theretofore usually reserved and payable out of such lands and premises; and shall not include such additional sum or rent in the rent to be reserved in any conveyance of such lands and premises to be executed by them or him pursuant to this act; and the said commissioners shall ascertain, by reference to the lease or contract made next before the reservation of such additional sum or rent, the annual and customary rent or rents (penal rents or sums in the nature of penal rents excepted) reserved and payable out of the said lands and premises; and such annual and customary rent or rents shall be deemed and taken to be the annual rent reserved and payable out of such lands and premises.

Commissioners shall estimate the average of renewal fines and adding thereto the rent reserved on lease, declare the amount of the new rent to be reserved.

CXXX. And be it further enacted, that when such rent or rents and fine or fines and fees shall have been ascertained by any of the ways or means aforesaid, it shall and may be lawful for the said commissioners appointed under this act, and they are hereby directed, to take and estimate the yearly average of the renewal fine or fines theretofore paid or agreed to be paid or payable as aforesaid, which yearly average of the said fine or fines and fees, when so ascertained as aforesaid, together with and in addition to the yearly rent or rents theretofore reserved or made payable in and by such lease or contract as aforesaid, shall be the amount of the annual rent to be thereafter reserved and made payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, and his successors respectively, in and by the deed of conveyance hereinafter mentioned, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of seven years, according to the provisions hereinafter mentioned.

Provision for ascertaining amount of renewal fines in certain cases.

CXXXI. Provided always, and be it enacted, that whenever it shall appear that such renewal fines and fees have not been regularly paid during any such period as aforesaid, it shall and may be lawful for the said commissioners under this act, and they are hereby empowered and directed, by all or any of the ways or means aforesaid, to ascertain the amount as well of the annual rent as of the annual or other renewal fine or fines and fees which have been paid, agreed to be paid, or payable, or which ought to have been paid in respect of the said lands and premises for and during such period as aforesaid, according to the theretofore accustomed mode of renewing such lease or interest, and to take and estimate accordingly the yearly average of such annual or other fine or fines; which said yearly

average of such renewal fines, together with and in addition to the said annual rent or rents theretofore reserved and payable as aforesaid out of the said lands and premises, shall be the amount of annual rent to be reserved and made payable in and by the deed of conveyance or demise hereinafter mentioned, subject only to such approval as hereinafter mentioned, and subject to variation according to the price of wheat or oats, as hereinafter also provided; and if it shall happen that no fine or fines have been paid or payable for renewing any such lease or interest as aforesaid for any such period, or any part of such period, preceding the service of such notice as aforesaid, that then in every such case it shall be lawful for the said commissioners to take and estimate the yearly average of such renewal fines and fees according to such proportion of the improved yearly value as may, by the custom of the diocese or other spiritual promotion or dignity under which the said lands and premises are held, have determined the amount of fines payable in respect of lands and premises held thereunder by like tenure and demise, (such improved yearly value to be ascertained by all such ways and means as the said commissioners shall think fit, or by the issuing of a commission as last aforesaid, and subject to the like rules and regulations as such commission last aforesaid), or by reference to all the circumstances of the case, and to the amount of the tenant's beneficial interest in such lands and premises, according to their discretion, to fix, ascertain, and determine the yearly average of such renewal fines and fees; which said yearly average, estimated, ascertained, and determined in any such way or manner as aforesaid, shall, together with and in addition to the annual rent or rents theretofore reserved and payable out of the said lands and premises, be the amount of annual rent to be thereafter reserved and made payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, and his and their successors respectively, in and by the deed of conveyance or demise hereinafter mentioned, subject only to such approval as hereinafter mentioned, and subject to variation according to the price of wheat or oats as hereinafter provided.

CXXXII. Provided, and be it further enacted, that in the case of leases for lives the said commissioners under this act shall compute the yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interests.

Fines to be computed on average duration of lives.

CXXXIII. And be it further enacted, that when and so soon as the said annual rent so to be thereafter reserved and made payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, and his successors, shall have been ascertained and determined by the said commissioners under this act, by any of the ways or means hereinbefore mentioned, the said commissioners shall and they are hereby directed to notify by notice in writing to the said archbishop or bishop or other ecclesiastical person under whom the said lands and premises are or shall be held as aforesaid, and to the said tenant or lessee of the said lands and premises who shall have applied to purchase the same as aforesaid, the amount of the said annual rent so ascertained to be thereafter reserved as aforesaid, together with the amount of purchase money,

Notice to be given to bishop by commissioners.

to be by the said commissioners computed as hereinafter mentioned and required, to be paid by the said tenant or lessee for the conveyance or demise of the said lands and premises as aforesaid.

Tenants of lands vested by this act in the commissioners to take like proceedings.

CXXXIV. And be it further enacted, that whenever any tenant or tenants, lessee or lessees, holding or who shall at any time hereafter hold immediately from and under the said commissioners under this act any lands, premises, or hereditaments heretofore belonging or which shall hereafter belong to any bishopric united or hereafter to be united by virtue of this act to any other archbishopric or bishopric, and which lands, premises, and hereditaments, or the reversion thereof, shall have been transferred to and vested in the said commissioners by virtue of this act, shall be desirous of purchasing the fee simple and inheritance of and in the said lands and premises, such tenant or lessee or lessees may, in such and the like manner as hereinbefore mentioned with respect to lands and premises held immediately under any archbishop or bishop, notify such his or their desire to the said commissioners, who shall and may and they are hereby empowered, by all or any of the ways and means aforesaid, to ascertain the amount of the annual rent to be reserved and made payable in and by the deed of conveyance hereinafter mentioned, in the same and the like manner and according to the like averages and proportions, and subject to the like provisions, as are hereinbefore mentioned and provided with respect to lands and premises held immediately from and under any archbishop or bishop as aforesaid; which rent, when so ascertained by the said commissioners as aforesaid, shall be the amount of the annual rent to be reserved and made payable to the said commissioners and their successors in and by such deed of conveyance, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of seven years, according to the provisions hereinafter mentioned; and the amount of such rent, when so ascertained as aforesaid, shall thereupon be notified by a notice in writing by the said commissioners to the tenant or lessee who shall have applied to purchase the said lands and premises as aforesaid, together with the amount of purchase money, to be computed by the said commissioners as hereinafter mentioned, required to be paid by such tenant or lessee for or on account of the deed of conveyance of the lands and premises so held by him as aforesaid.

Terms of proposed purchase of perpetuities to be subject to approval of the lord lieutenant.

CXXXV. Provided always, that in each and every case of such purchase as aforesaid, before such purchase shall be completed, the said commissioners shall and they are hereby required to notify in writing to the lord lieutenant or other chief governor or governors of *Ireland* for the time being in council the terms and particulars of such proposed purchase, the purchase money to be paid in respect thereof, and the annual rent to be thereafter reserved from and out of the said lands and premises so to be purchased, together with the amount of the annual rent and the average annual fine for renewal theretofore payable in respect of the said lands and premises, and ascertained as aforesaid; and no such purchase shall be completed until the said lord lieutenant or other chief governor or governors of *Ireland* in council shall signify his approval thereof.

CXXXVI. And be it further enacted, that whenever the amount of the annual rent so to be thereafter reserved and made payable for and out of the said lands and premises to such archbishop or bishop, or other ecclesiastical person, and his successors, or to the said commissioners under this act, as the case may be, shall have been ascertained and determined on by any of the ways and means aforesaid, it shall and may be lawful for the said commissioners under this act, and they are hereby directed, if so required by such tenant or lessee, tenants or lessees, by writing under his or their hand or hands so to do, to grant to such tenant or lessee, tenants or lessees, a certificate under their seal, stating the terms of such purchase, and the amount of the said purchase money to be paid as aforesaid, and of the annual rent to be reserved and made payable in and by the said deed or deeds of conveyance hereinafter mentioned; which sum so ascertained and mentioned as such purchase money in and by the said certificate such tenant or lessee shall (if he shall think fit to complete such purchase) pay or cause to be paid into the bank of *Ireland*, to the credit of the said commissioners under this act, under a distinct and separate account, to be for that purpose opened in the books of the said bank, to be called the perpetuity purchase fund account, within the period of six calendar months after the signing of the said certificate; and thereupon, if the said lands and premises so to be purchased shall, previously to such purchase, have been transferred to and become vested in the said commissioners by virtue of the provisions of this act, then and in such case, on the production to the said commissioners of the receipt of the cashier or cashiers of the said bank of *Ireland* for the amount of such purchase money mentioned and specified in and by such certificate, the said commissioners shall and they are hereby required, in such manner as heretofore provided as to the execution of deeds by them, to execute, seal, and deliver a deed of conveyance to such tenant or lessee of the fee simple and inheritance of the said lands and premises, when the same shall be tendered for execution by the said tenant or lessee, unto and to the use of such tenant or lessee, his heirs and assigns, as he or they shall appoint, subject to such annual rent as aforesaid; and if the said lands and premises so to be purchased shall at the time of such purchase belong to or be held under any archbishop or bishop or other ecclesiastical person, then and in such case on the production by the said tenant or lessee to the said archbishop or bishop or other ecclesiastical person of the said notice or certificate so delivered by the said commissioners as aforesaid, specifying the amount of such annual rent to be reserved and made payable in and by the said deed of conveyance, and specifying the amount of purchase money to be paid for such purchase as aforesaid, and upon production of such receipt of the said cashier or cashiers for such purchase money as aforesaid, such archbishop or bishop or other ecclesiastical person shall and he and they is and are hereby required and directed to execute, seal, and deliver a deed of conveyance of the fee simple and inheritance of the said lands and premises to such tenant or lessee, when the same shall be tendered for execution, subject to the annual rent so ascertained as aforesaid; and if such archbishop or bishop or other ecclesiastical person shall,

On ascertaining amount of rent to be reserved, the commissioners shall grant a certificate to the tenant, who shall pay purchase money into bank of *Ireland*, and thereupon a conveyance to be executed.

on the production of such notice or certificate and receipt as aforesaid, refuse or neglect to execute such deed of conveyance when tendered for execution as aforesaid, for the space of two calendar months after such tender shall have been made as aforesaid, then, upon satisfactory proof being made to the said commissioners of such refusal or neglect, by affidavit to be sworn before any judge, surrogate, vicar general, master or master extraordinary in chancery, or justice of the peace, which affidavit or oath they are hereby respectively empowered to take or administer, or upon oath of a credible witness to be examined by the said commissioners, it shall and may be lawful for the said commissioners, and they are hereby empowered and required, to execute, seal, and deliver the said deed or deeds of conveyance in the name of and on behalf of the said archbishop or bishop or other ecclesiastical person so refusing or neglecting to execute the same as aforesaid, and to affix the corporate seal of the said commissioners to such deed or deeds, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds; and such execution of the said deed or deeds by the said commissioners shall be as valid and effectual, to all intents and purposes whatsoever, as if the said deed or deeds had been duly executed by the said archbishop or bishop or other ecclesiastical person, in pursuance of this act.

Recitals in deeds of conveyance conclusive.

CXXXVII. Provided always, and be it further enacted, that the recitals in any such deed of conveyance shall for all purposes whatever be deemed conclusive evidence of the truth of the facts therein stated.

The average price of corn for ten years previous to be inserted in the conveyance.

CXXXVIII. Provided always, and be it further enacted, that the said commissioners shall and they are hereby directed, at the request of either party, to insert or cause to be inserted in each and every the said deed or deeds of conveyance a statement of the average price of wheat or oats (whichever of the two they shall consider as the corn principally grown in the county or district where such lands are situate) for the period of ten years immediately preceding the first day of *May* next before the service of such notice by such tenant or lessee as aforesaid, calculated upon the returns advertised in the *Dublin Gazette* during such period of ten years, which average price the said commissioners are hereby required and empowered to calculate and ascertain from such returns as aforesaid.

A counterpart to be executed and delivered to the bishop or the commissioners.

CXXXIX. Provided always, and be it further enacted, that the said tenant or lessee so purchasing the fee simple and inheritance of and in such lands and premises as aforesaid shall seal and deliver a counterpart or counterparts of such deed or deeds of conveyance, one part whereof shall be delivered to the said archbishop or bishop or other ecclesiastical person, or to the said commissioners, as the case may be, to whom respectively the said annual rent shall be so reserved and made payable as aforesaid.

Deeds to be enrolled, and certificate registered.

CXL. And provided also, and be it further enacted, that the said commissioners, or archbishop or bishop or other ecclesiastical person, as the case may be, shall, in every case of such purchase, cause such deed or deeds of conveyance to be enrolled in the rolls office of the high court of chancery in *Ireland* (for which enrolment a fee of two shillings and sixpence only shall be demanded or paid); and the

said commissioners shall in every such case cause a certificate, specifying the amount of the annual rent and of the average renewal fine theretofore paid or payable on the several occasions of renewing the lease in the said lands or premises during such period as aforesaid, to be registered in the registry of the diocese wherein the same shall be situate, and also to be enrolled in the rolls office of the high court of chancery in *Ireland* along with and annexed to the enrolment of the said deed or deeds; an attested and compared copy of which certificate, when enrolled in the said rolls office as aforesaid, shall be and be deemed and taken to be conclusive evidence of the truth of the several matters and things therein contained as aforesaid.

CXLI. Provided always, and be it enacted, that no tenant or lessee as aforesaid shall be entitled to have any such conveyance of the fee simple and inheritance made or granted to him or her, of whose lease, if holding by lease for the term of twenty-one years, twenty years shall not be then to come and unexpired, or if holding by lease for the term of forty years, whereof thirty-nine years shall not be then to come and unexpired, or if holding by lease for twenty-one years or three lives, or for three lives, all the lives named wherein shall not be then in being, unless he or she shall, previous to the execution of such deed of conveyance, pay all and every the renewal fines customably paid or payable on and for the renewal of such lease; nor shall any such tenant or lessee be entitled to such conveyance of the fee simple and inheritance unless all rent and arrears of rent due upon and reserved by such lease shall have been fully paid and satisfied.

Tenants not entitled to perpetuity unless in possession of fully renewed leases, or unless all renewal fines are paid;

arrears of rent to be also paid up.

CXLII. And be it further enacted, that it shall and may be lawful for such archbishop or bishop or other ecclesiastical person to whom, or the purchaser, his heirs, appointees, or assigns, by whom, the rent reserved by the said deed of conveyance shall be payable, to make an application in writing to the said commissioners, at any time within four months after the expiration of seven years, to be computed from the first day of *May* next preceding the execution of such deed of conveyance as aforesaid, and in like manner at any time within four months after the expiration of every subsequent period of seven years, such periods to be computed each from the termination of the preceding period, during the continuance of such grant as aforesaid, signifying the desire of such archbishop or bishop or other ecclesiastical person, purchaser, his heirs, appointees, or assigns, to have the average price of wheat or oats for the seven years preceding inquired of and ascertained, in order that the annual rent reserved in and made payable by such deed of conveyance may be varied or increased or diminished for the ensuing seven years, in proportion to such average price, of which application due notice in writing shall be given to such archbishop or bishop or other ecclesiastical person, or such purchaser, his heirs, appointees, or assigns as aforesaid, as the case may require; and in cases in which the said lands and premises shall have been vested in and transferred to the said commissioners, or the said annual rent shall be payable to them, under the provisions of this act, then it shall and may be lawful for the said commissioners, or such purchaser, his heirs, appointees, or assigns, at the times and in the manner

Applications may be made every seven years for variation of new reserved rent, according to increase or decrease in price of corn.



hereinbefore mentioned, during the continuance of such grant as aforesaid, to cause a notice to be served, in cases of any such notices by the said commissioners, upon such purchaser, his heirs, appointees, or assigns, and in case of any such notice by such purchaser, his heirs, appointees, or assigns, then upon the said commissioners, signifying the desire of the said commissioners, or of the said purchaser, his heirs, appointees, or assigns, as the case may be, that such average price of wheat or oats for the seven years preceding the first day of *May* next before the service of such notice may be taken and ascertained as aforesaid; and thereupon in each and every of such cases it shall and may be lawful for the said commissioners to ascertain the average price of wheat or oats for the term of seven years next preceding the first day of *May* next before such application or the service of such notice, and for that purpose to nominate and appoint a person to be arbitrator for ascertaining the same accordingly; and such arbitrator is hereby authorized and required, from the *Dublin Gazette*, to ascertain the price of a barrel of wheat or oats upon the average of such term of seven years preceding, and to state and set forth such average price by his report in writing under his hand, to be delivered to the said commissioners; and if it shall appear that the average price of wheat (when wheat shall be taken as the measure of such rent), or that the average price of oats (when oats shall be taken as the measure of such rent), for such seven years preceding, is more or less by one tenth than the average price thereof set forth in the deed or deeds of conveyance, then and in such case the amount of such annual rent to be paid out of or in respect of the said lands and premises to such archbishop or bishop or other ecclesiastical person, or to the said commissioners, as the case may be, shall be increased or diminished by the said commissioners in such manner and to such extent that the amount of such annual rent payable for and during the next ensuing seven years shall bear the like proportion to the amount of the annual rent reserved and made payable out of the said lands and premises in such original deed of conveyance of the said lands and premises as the average price of wheat or oats ascertained at the time of such application shall bear to the average price thereof set forth in such original deed of conveyance; and the said commissioners under this act shall thereupon, in cases where the said annual rent shall be payable to any such archbishop or bishop or other ecclesiastical person, grant to such archbishop or bishop or other ecclesiastical person, purchaser, his heirs, appointees, or assigns, or, in cases where the said rent shall be payable to the said commissioners, shall, for the purpose of registry and enrolment as hereinafter mentioned, execute a certificate under their seal, setting forth the amount of such revised or new annual rent to be paid and payable out of the said lands and premises to such archbishop or bishop or other ecclesiastical person, or to the said commissioners, as the case may be, and cause notice of or a copy of the said certificate to be given to or served upon such archbishop or bishop or other ecclesiastical person, and the person or persons who shall have purchased the fee simple and inheritance of and in the said lands and premises, or to the person or persons who shall have become possessed of his or

their estate or interest therein, and shall also cause such certificate to be registered in the registry of the diocese wherein the said lands and premises shall be situate, and also to be enrolled in the rolls office of the high court of chancery along with and annexed to the enrolment of such deed of conveyance; and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of such revised and new annual rent; and such revised and new annual rent shall be paid to and received by such archbishop or bishop or other ecclesiastical person, or the said commissioners respectively, as the case may be, for seven years from and after the first day of *May* next before the service of such notice, and until such revised and new annual rent shall afterwards, upon a like application, be again varied and ascertained according to the average price of wheat or oats during the term of seven years then last past; and the several parties aforesaid are hereby respectively authorized to make such further application from time to time after the expiration of every seven years, during the continuance of such grant, in such and the like manner and form as hereinbefore directed with respect to the first application; and the costs, charges, and expenses of every such application, and of varying and re-ascertaining the amount of such annual rent, shall be defrayed by the person or persons who shall make such application as aforesaid; and any such revised and new annual rent shall, during the period when it shall be so in force, stand in the place of the said original annual rent reserved and made payable out of the said lands and premises upon such purchase or conveyance of the said lands and premises, and shall be paid and recoverable, and charged and chargeable upon the said lands and premises, and against the purchaser, his heirs, appointees, or assigns, in like manner as the said original rent reserved in and by such deed of conveyance, and subject to the same regulations; and the several clauses and provisions hereof shall in every such case apply as fully and effectually to any such revised and new annual rent, to all intents and purposes, as if such revised and new annual rent were the annual rent originally reserved upon such purchase in and by the deed or deeds of conveyance of the said lands and premises as aforesaid: provided always, that the said rent so reserved by such original deed of conveyance shall continue to be used as the standard, by reference to which, together with the original price of wheat or oats, the rent is from time to time to be varied as aforesaid: provided also, that in case any such archbishop or bishop or other ecclesiastical person, tenant, assignee, or owner of such lands and premises purchased as aforesaid, who would respectively be entitled to receive or liable to pay such revised or new annual rent as aforesaid, shall be dissatisfied with or dispute the amount of the average price of corn so ascertained as aforesaid, or the amount of any such revised and new annual rent ascertained as aforesaid, it shall be lawful for such archbishop or bishop, or other ecclesiastical person, tenant, assignee, or owner of such lands and premises, within one calendar month after being served with such notice as aforesaid, to apply by petition to such court in such manner and under and subject to such regulations and provisions as hereinafter mentioned with respect to disputes as to the amount of

any purchase money, or any contribution thereto, or in respect thereof, to be paid by any tenant, and such court may vary the amount of such revised and new rent as the case may require; and if the amount of such revised and new annual rent shall be varied by the said court, upon such petition, from the amount thereof ascertained by the said commissioners, then the amount thereof so ascertained and adjudged by the said court shall be the annual rent of the said lands and premises for such period as aforesaid, and subject to the provisions and regulations aforesaid as to such revised and new annual rent, and shall be inserted in such certificate to be registered and enrolled as aforesaid, instead of the revised and new annual rent ascertained by the said commissioners as aforesaid, and stand in the place of the same to all intents and purposes; provided that any party or person so petitioning, and failing in such petition, shall pay all the costs in relation thereto.

Expenses of bishops and commissioners to be deducted from purchase money.

CXLIII. And be it further enacted, that it shall and may be lawful for the said commissioners under this act to deduct and be paid, out of the amount of such purchase money paid for the purchase of the fee simple and inheritance of and in any such lands and premises, such sum or sums of money as shall be necessary for defraying the costs or expenses necessarily or properly incurred by the said commissioners, or by such archbishop or bishop or other ecclesiastical person, in and about or in respect of any such purchase and conveyance of the fee simple and inheritance of and in the said lands and premises; and upon the production of a certificate, signed on behalf of the said commissioners, specifying the amount of such costs and expenses incurred by such archbishop or bishop or other ecclesiastical person, or the said commissioners, it shall and may be lawful for the said governors and directors of the said bank of *Ireland* into whose hands the said purchase money shall have been paid as aforesaid, and they are hereby directed, immediately thereupon, without further order or inquiry, to pay out of such purchase money to the said commissioners, for defraying all such costs and expenses, the amount so specified in such certificate; which payment and certificate shall be received and allowed to such governors and directors of the said bank of *Ireland*, in the account of such purchase money, as a sufficient discharge and acquittance for the amount thereof.

On application for purchase of perpetuities, applicant to deposit a sum to defray expenses of ascertaining terms, &c.

CXLIV. And be it enacted, that in all cases of applications for the purchase of perpetuities under this act, the applicant shall deposit or secure in such manner as the said ecclesiastical commissioners shall appoint such sum of money as the said commissioners shall think necessary to defray the expenses which the said commissioners may incur in ascertaining the terms of the purchase for which such application shall be made; and in case such applicant shall decline completing such purchase, such expenses as aforesaid shall be deducted from and out of the money so deposited or secured, and the surplus, if any, refunded to such applicant; and in case such applicant shall complete such purchase, the whole sum so deposited or secured shall be refunded, subject nevertheless to such award as any arbitrators appointed under this act shall make in respect of the expenses of such arbitration.

CXLV. And be it further enacted, that for the purpose of ascer- Rates of purchase money.  
 taining the respective amount of purchase money to be paid by any such tenant or lessee as aforesaid for the purchase of the fee simple and inheritance of and in any such lands and premises as aforesaid, the said commissioners appointed under this act shall inquire and ascertain, by the issuing of a commission, with the like powers and authorities and subject to the like regulations as any other commission to be issued under this act, or by such other ways and means as to them shall seem fit, the full improved yearly value of the said lands and premises, such full and improved annual value to be taken and estimated according to the usual and accustomed mode of ascertaining and estimating the same by the archbishop or bishop or other ecclesiastical corporation sole in whose diocese or dignity or promotion such lands and premises shall be respectively situate, and shall estimate and compute, according to the best of their knowledge, skill, and ability, the value of the fee simple and inheritance in such lands and premises, subject to the annual rent to be reserved and made payable thereout by the deed of conveyance to be executed in manner hereinbefore appointed; and having estimated and computed the value of such fee simple and inheritance, subject to such rent, the said commissioners shall deduct therefrom four pounds *per centum* on the amount thereof, and ascertain and declare the amount of such value so reduced; and the said commissioners shall also estimate and compute the value of the interest in such lands and premises possessed by such tenant or tenants, lessee or lessees, under his, her, or their then subsisting lease, and shall determine and declare the difference between the value reduced by such per centage as aforesaid of such fee simple and inheritance, subject to the rent aforesaid, and the value of the interest possessed under such lease, which difference shall be the amount of purchase money to be paid by such tenant or tenants, lessee or lessees, for the perpetuity to be acquired under this act; and the said commissioners shall insert such amount in the certificate of the terms of such purchase to be by them granted to such tenant or lessee as hereinbefore provided: provided always, that in case any such tenant or lessee shall be dissatisfied with the amount of purchase money adjudged payable in manner aforesaid by the said commissioners, the matter shall be referred to three arbitrators, one to be appointed by the said commissioners, another by such tenant or lessee, and the third by the two arbitrators appointed as aforesaid, within ten days after notice in writing to be given by such commissioners, tenant, or lessee for that purpose; and in case of the death or incapacity, or refusal to act of any or either of the said arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said two arbitrators appointed by the parties, as the case may be, within ten days next after notice thereof; and the said arbitrators, or any two of them, shall and are hereby authorized and empowered, by actual survey or valuation, or by the examination of witnesses upon oath (which oath the said arbitrators are hereby empowered to administer), and by such other ways and means as they shall think proper, to compute, estimate, and determine, in like manner as the said commis-

sioners are hereinbefore directed, the amount of purchase money payable for the perpetuity to be acquired under this act, and to make their award therein by writing under their hands and seals, or under the hands and seals of any two of them; and such award shall be binding upon the said commissioners, and they shall amend accordingly the certificate of the terms of the purchase to be by them granted to such tenant or lessee, or grant a new certificate in lieu thereof; and the expenses of such arbitration shall be borne by the said commissioners, or by the said tenant or tenants or lessee or lessees, as such arbitrators shall direct.

Remedies  
for recovery  
of reserved  
rents.

CXLVI. And be it further enacted, that the said annual rent so reserved and made payable by any such tenant or lessee or grantee out of or in respect of any such lands and premises, in any such deed or deeds of conveyance thereof as aforesaid, and every such revised and new annual rent as aforesaid, shall be recovered and recoverable by any such archbishop or bishop or other ecclesiastical person, and his successors, or by the said commissioners and their successors, as the case may be, by all or any of the ways, means, or remedies which, according to any law or statute now in force in *Ireland* or hereafter to be made, is or are or shall be provided for the recovery of any rent service upon any lease for life or for years executed by any landlord or person seized in fee simple, and subject to all the like rules and regulations by statute or otherwise, any law, usage, or custom to the contrary notwithstanding: provided always, that if in any action of ejectment to be brought on account of the nonpayment of any such annual rent, pursuant to the statutes in force in *Ireland* as to nonpayment of rent, judgment shall be had and given for the plaintiff in such action, and execution shall have been executed, and such tenant, lessee, or grantee who shall have so purchased the fee simple and inheritance as aforesaid of and in such lands and premises, his assignee or assignees, or the person or persons who shall be then entitled to his estate or interest therein, shall not, within six months from the time of such execution executed, do such act or acts or take such proceedings as are or shall be by law necessary for the redemption of the said lands and premises from the said judgment and execution, pursuant to the said statutes, then and in every such case it shall and may be lawful for any tenant, under tenant, or owner of any derivative lease, estate, or interest in the said lands and premises, who shall have contributed to the purchase of the fee simple and inheritance as aforesaid, his assignee or assignees, within nine months after such execution executed, to do such act or acts or take such proceedings for the redemption of the said lands and premises from the said judgment and execution, and for obtaining relief in respect of the same, as under the said recited statutes any mortgagee of a lease might do or take for the redemption of the said lease, or his estate or interest therein, from any judgment and execution in any action of ejectment for nonpayment of rent, pursuant to the said statutes, and for obtaining relief in respect of the same, and with the like effect to all intents and purposes; and after such redemption the sum or sums of money so paid or advanced for or on account of such redemption, and the costs thereof, shall be and be deemed a lien and charge

upon such estate or interest of such tenant or person so failing or neglecting to pay the same, or to take such proceedings for such redemption as aforesaid, and shall be payable, with interest, to such person who shall have so paid or advanced such sum or sums or obtained such redemption, or the same shall be recoverable by him (at his election) from such person so failing or neglecting as aforesaid, in and by any action of debt.

CXLVII. And be it further enacted, that it shall and may be lawful for any owner, his heirs, appointees, or assigns, at any time after the passing of this act, upon a division of the lands or premises held by him or them, either by sale or otherwise (except by lease or demise at rack rent), to make an application in writing to any archbishop or bishop or other ecclesiastical person under whom he or they shall then hold the said lands or premises, or to the commissioners under this act in case the said lands and premises shall have been vested in and transferred to the said commissioners, signifying the desire of such applicant that the yearly rent or rents then charged or to be charged on the said lands and premises by such deed of conveyance as aforesaid shall be divided and apportioned upon parts of the said lands and premises only; and thereupon in each and every such case such archbishop or bishop or other ecclesiastical person, or the said commissioners, as the case may be, shall and he or they is and are hereby authorized and required to divide or apportion the whole or any part of the said yearly rent or rents as aforesaid in such manner and proportions as by such application may be required, regard being had to the security of the several parts or proportions of the said yearly rent or rents; and in case of any disagreement in respect of such apportionment, then the same shall be made by one or more valuers, to be in all cases nominated by the said commissioners; and the expense of such apportionment shall be in all cases defrayed by the party applying for the same; and such archbishop or bishop or other ecclesiastical person, or the said commissioners, or, in case of such disagreement as aforesaid, such valuator or valuers, shall declare what parts and proportions of the said yearly rent or rents respectively shall in future be severally charged upon any part or parts of the said lands and premises, and shall state the names and denominations, the number of acres, and the metes and bounds of each portion, and the amount of rent to be reserved and made payable out of each such portion respectively; and after every such apportionment the yearly rents or sums so apportioned shall be reserved and be made and be payable in such parts and proportions, and chargeable only upon such proportions of the said lands and premises as shall be so declared to be liable to the payment thereof respectively; and in case the said apportionment shall be made before the execution of a conveyance of the fee simple and inheritance, pursuant to this act, then and in every such case it shall and may be lawful for such archbishop or bishop, or for the said commissioners, to execute separate conveyances, in the manner hereinafore directed for executing conveyances, of each such part or proportion of the said lands and premises, subject only to the proportionate rent payable in respect thereof; and in case a con-

Upon application of owner, the archbishop, &c. may apportion the yearly rent then charged on lands on parts of such lands only.

veyance shall have been made or executed by such archbishop or bishop, or the said commissioners, of the said lands and premises, then and in every such case the said archbishop or bishop, or the said commissioners, shall execute, under his or their respective seal, a certificate setting forth the said apportionment, and the amount of the rent to be charged or chargeable upon each portion of the said lands and premises, and shall cause the same to be registered in the registry of the diocese wherein the said lands and premises shall be situate, and also to be enrolled in the rolls office of the high court of chancery along with and annexed to the enrolment of the deed of conveyance of such lands and premises as aforesaid; and after such registry and enrolment of such certificate the said lands and premises shall thenceforward stand and be charged and chargeable with the said yearly rent or sums in such parts and proportions only and in such manner as shall be specified in such certificate; and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of rent with which each respective portion of the said lands and premises stands charged and chargeable.

Lands comprised in new conveyances to be settled to former uses.

CXLVIII. And be it further enacted, that immediately upon the execution of such deed of conveyance as aforesaid of the said lands and premises, under the provisions of this act, the said lands and premises in the said deed of conveyance mentioned, and the estates or interests thereby so granted, shall thereupon respectively go to and be vested in, settled upon, and enjoyed by the same person or persons, for the like estate, estates, or interests, and to and upon the same uses, trusts, intents, and purposes respectively, (or as near thereto as the nature of each case and the difference of interest will admit), as the said lands and premises stood settled or limited to, for, or upon, or such of them as at the time of making such conveyance shall be existing undetermined and capable of taking effect: provided always, that the execution of such deed of conveyance as aforesaid shall operate as and be and be deemed to be, to all intents and purposes, a surrender of all and every the then previously subsisting term or terms of years, estate, or interest in the said lands and premises derived from or under such archbishop or bishop, or other ecclesiastical person, or the said commissioners, as the case may be; and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

Tenant acquiring perpetuity shall renew to inferior tenants when bound by tithes quotas covenant.

CXLIX. And be it further enacted, that whenever any such tenant or lessee who shall have purchased and acquired as aforesaid the fee simple and inheritance of and in such lands and premises previously held by him as immediate and superior tenant under such archbishop or bishop or other ecclesiastical person, or the said commissioners appointed under this act, shall, by virtue of any lease, covenant, or contract theretofore made or entered into, be bound to renew to any other person or persons any lease of any such lands and premises, either as often as such archbishop or bishop or other ecclesiastical person respectively shall renew the lease of such lands and premises to him such immediate superior tenant, or in any other manner, then and in every such case the conveyance of the fee simple as aforesaid of and in the said lands and premises as afore-

said to such immediate and superior tenant (or the payment from time to time of the annual rent out of the said lands and premises to the said archbishop or bishop or other ecclesiastical person, or to the said commissioners respectively), shall (so long as the said estate or interest thereby granted shall continue) in all courts of law and equity, and to all intents and purposes whatsoever, as to such under tenant or inferior tenant, or person or persons having any such derivative estate or interest, and being entitled to the benefit of such covenant or contract for renewal, and as to all other derivative estates or interests in the said lands and premises dependent upon such covenant, contract, or agreement for renewal, be and be deemed, taken, and construed to be a renewal by such archbishop or bishop or other ecclesiastical person, or otherwise, from time to time of the lease of such immediate and superior tenant, for the purposes of and within the true intent and meaning of such covenant, contract, or agreement for renewal as aforesaid.

CL. And be it further enacted, that when the fine to be paid upon the execution of any such renewal as before mentioned shall have been, by such covenant, contract, or agreement for renewal, agreed to be a certain or ascertained proportion of or dependent upon the amount of the renewal fine to be paid by the immediate superior tenant of such lands to such archbishop or bishop or other ecclesiastical person as aforesaid, then and in such case, upon and after the completion of such purchase of the fee simple of and in the said lands and premises as aforesaid, the amount of such proportion of such renewal fine payable by such under or inferior tenant shall be ascertained by reference to the amount of the average renewal fine payable previously to the said purchase, as appearing in the certificate of the said commissioners appointed under this act, registered in the registry of the diocese, and enrolled in the rolls office of the court of chancery as aforesaid, ascertaining the amount of the average renewal fine payable by the immediate superior tenant of the said lands previously to such purchase and sale of the fee simple and inheritance therein as aforesaid, and in no other manner whatsoever.

Contribution  
of inferior  
tenants, how  
ascertained.

CLI. Provided always, and be it further enacted, that such fine to be paid upon the execution of any such renewal as aforesaid shall be subject to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of seven years according to the provisions hereinbefore contained, such variation to be applied for and ascertained in the like manner, and subject to like regulations, so far as the same are applicable, as hereinbefore provided in respect of the variation of the new rents to be reserved under this act.

Fine for re-  
newal to be  
ascertained  
according to  
average price  
of wheat or  
oats.

CLII. And whereas such purchase of the fee simple and inheritance of and in such lands by such immediate superior tenant of such archbishop or bishop or other ecclesiastical person, or the said commissioners, will, pursuant to the provisions hereof, enure to the benefit of all persons having derivative estates or interests in the said lands by virtue of leases containing covenants or contracts for renewal, and it is just that all persons having such derivative interests and claiming the benefit of the provisions of this act should

Persons hav-  
ing derivative  
estates shall  
contribute  
towards pur-  
chase money



contribute to the expense of such purchase ; be it therefore enacted, that whenever any such tenant of such lands, holding the same immediately from and under such archbishop or bishop or other ecclesiastical person, or the said commissioners, shall have purchased the fee simple and inheritance as aforesaid of and in the said lands and premises at a certain rate of purchase money as aforesaid, pursuant to the provisions of this act, and shall, after completing such purchase, be bound, under the provisions of this act, or otherwise, to renew any lease or leases of any of the said lands and premises to any under or inferior tenant, or any other person or persons, all and every such person and persons having any derivative estate or interest in the said lands and premises immediately or mediately from, through, or under such immediate superior tenant who shall have made such purchase as aforesaid, shall respectively contribute towards the amount of the purchase money thereof, or towards reimbursing and paying of a proportion of the same, each to his own next immediate landlord, according to the value of their respective interests, in manner following ; that is to say, it shall and may be lawful for such immediate superior tenant who shall have made such purchase as aforesaid, his executors and administrators, by notice in writing, to call upon and require all and every such his under or inferior tenant or tenants, or persons holding immediately from or under him, as shall be entitled to any estate or interest in any of such lands and premises by virtue of any lease or contract containing any covenant or agreement for renewal of such estate or interest, to contribute respectively towards such purchase money in proportion to the value of his or their respective estate or interest in the said lands and premises, or any of them ; and in like manner it shall and may be lawful for any such under or inferior tenant or person holding the said lands and premises, or any of them upon being served with such notice requiring from him such contribution as aforesaid, by notice in writing to call upon and require all and every under or inferior tenant, or person or persons holding immediately from or under him respectively any of such lands and premises, by virtue of any lease or contract containing any covenant or agreement for renewal, to contribute, in proportion to the value of his or their respective interest, towards such sum of money to be paid as such contribution as aforesaid by such his or their next immediate landlord ; and so in like manner every under or inferior tenant of or person holding any of such lands and premises, upon being so called upon for any such contribution as aforesaid, may and is hereby empowered, by service of a notice in writing, to require a contribution in like manner from any tenant or person holding under him or them respectively under by virtue of any lease or contract containing any covenant or agreement for renewal.

Disputes between superior tenants and others, how to be determined.

CLIII. And be it further enacted, that it shall and may be lawful for any such immediate superior tenant of the said lands under such archbishop or bishop or other ecclesiastical persons, or the said commissioners, as the case may be, or for any under or inferior tenant or other person as aforesaid having or claiming any derivative estate or interest in any of the said lands and premises immediately or mediately from, through, or under such superior tenant, under or

by virtue of any lease or contract containing a covenant or agreement for renewal, in case any dispute or difference shall arise between them or any of them respectively as to the sum of money to be paid by any such inferior tenant to any such his next immediate landlord or the person from whom he holds the said lands, or any of them, as and for a contribution towards such purchase money as aforesaid, or towards reimbursing to such his next immediate landlord or person from whom he holds as aforesaid a proportion of the sums of money paid or payable by such his next immediate landlord as and for a contribution in respect of such purchase as aforesaid, or in case during the period of six calendar months from the service of any such notice as last aforesaid there shall be an omission or neglect by any of such parties or persons to agree with respect to any such contribution, or in case within such time no agreement shall be made with respect to the same, or in case any such dispute shall arise respecting any mortgage or sale of any land or premises for raising any contribution money or part thereof, or respecting the variation of any fine, as hereinafter provided, according to the price of wheat or oats, or respecting the reservation of any additional and increased annual rent to be reserved in lieu or stead of any contribution under the provisions hereinafter contained, in any of such cases to present a petition to the high court of chancery or court of exchequer in *Ireland*, stating the premises respectively as the case may be, and praying the proper or necessary relief in relation to the said matters; whereupon it shall and may be lawful for such court, without requiring proof of any notice of such petition being given to or served upon any person or persons, to make an order referring the matter of such petition to one of the masters of the court of chancery, or to the chief remembrancer of the court of exchequer, as the case may be, directing such master or chief remembrancer to inquire and report concerning the said matters or any of them, as such court shall direct; and thereupon it shall and may be lawful for the said master or chief remembrancer, as the case may be, to summon before him any of the said parties, or any person or persons, and to examine him or them, upon oath, respecting any of the matters so referred to him, and upon appearance of, or proof of service of notice of such petition and order upon, any such person or persons to be affected by such petition, to inquire and make his report concerning the said matters so referred to him, as in other cases of references to any such master or chief remembrancer under the orders of such respective courts; to which report of such master or chief remembrancer it shall be lawful for any of the said parties to the said petition or to be affected by it to take an exception or exceptions as in other cases of exceptions taken to any reports of such master or chief remembrancer; and upon the hearing of such report when not excepted to, or upon the hearing of such exceptions to such report when any such shall have been taken thereto, it shall and may be lawful for such court to make such order for the payment of such sum or sums of money by such person or persons as shall be found to be chargeable with the same by such report, or of such sum or sums of money by such person or persons as, upon exceptions taken to such report, the said court shall deem to be properly chargeable

with the same, to be paid within three calendar months from the time of service of such order of the said court, in such manner as such court shall think fit, or such other order as the said court shall think fit; and such order of such court shall be final and conclusive, and without any appeal therefrom; and the said court may order the costs of any such proceedings in relation to the said petition to be paid by or to any of the said parties respectively, as the said court shall think fit, which said order or orders shall and may be served either in the manner hereinafter provided, or in such other manner as the said court shall think fit to direct: provided always, that it shall and may be lawful for any such immediate superior tenant of such lands and premises, if he shall so think fit, to make all the tenants or persons having or claiming any derivative estate or interest in the said lands, whether immediately or mediately from, through, or under him by virtue of any covenant for renewal, parties to any such petition, for the purpose of having all the sums of money payable by or chargeable upon all and every of such persons in respect of any such contribution simultaneously ascertained.

Persons having derivative estates, and failing to pay contribution, shall forfeit right of renewal.

CLIV. And be it further enacted, that if any such person or persons having or claiming any such derivative estate or interest in such lands and premises by virtue of any lease or contract containing any such covenant or agreement for renewal, having been served with any such notice calling on him or them for any such contribution as aforesaid, shall by writing decline or refuse to take or accept a renewal of such estate or interest, subject to the provisions of this act, or who being so served with any such order of such court as aforesaid shall neglect or refuse to comply with the terms of such order for or during the period of three calendar months from the time of the service of such order as aforesaid, every such person so declining or refusing to take or accept such renewal as aforesaid, or neglecting or refusing to comply with such order as aforesaid, his or their heirs, executors, administrators, and assigns, and all other persons claiming under him, or claiming any benefit or interest under any such respective lease or contract containing such covenant or agreement for renewal, shall for ever thereafter be barred of and from all right, benefit, and advantage, in law or equity, in, of, and from such covenant or agreement for renewal, or to obtain any new lease of the said lands and premises respectively; and every such person or persons, his or their heirs, executors, administrators, and assigns, and all persons claiming any benefit of such respective covenant or agreement for renewal, shall be thenceforth for ever barred from all relief in any court of law or equity in respect of any such covenant or agreement for renewal: provided always, that any such order of any such court as aforesaid shall and may be enforced by any of the ways or means by which any order pronounced by such court in any suit in equity upon a bill filed may be enforced, save only as against any person or persons who, being entitled to any such derivative estate or interest as aforesaid, shall have, by notice in writing, declined or refused to take or accept any renewal of such estate or interest.

Tenants enabled to mortgage, in

CLV. And be it further enacted, that whenever it shall happen that any immediate and superior tenant of such lands, or any other

tenant or person having any derivative estate or interest in such lands and premises immediately or mediately from, through, or under any such immediate superior tenant of such lands, (other than and except tenants at rack rent for years, or from year to year, or at will), shall be unable or unwilling to pay or advance such sum or sums of money as shall be ascertained, agreed, or adjudged as aforesaid to be payable by any such person or persons respectively for or on account of such purchase money or contribution in respect of such purchase money as aforesaid, it shall and may be lawful for any of such persons, in lieu of paying or advancing any such sum or sums of money respectively, or the whole amount thereof respectively, to grant to the person or persons respectively entitled to receive any such sum or sums of money, or to any other person or persons who shall be willing to advance such sum or sums of money, a mortgage of the said lands and premises so held or possessed by him or them respectively, or of their respective estate or interest therein, (subject nevertheless to such annual rent as aforesaid, and to any head rent payable thereout), for securing the payment of such sum or sums of money so to be paid by him or them respectively, with interest thereon at the rate of five pounds by the one hundred pounds sterling for a year, or for securing the payment of so much of such sum or sums of money as shall not be paid or advanced; or (for the purpose of paying and satisfying such sum or sums of money, or raising money to pay and satisfy the same), to sell and convey to such person or persons respectively entitled to receive such sum or sums of money, or to any other person or persons who shall be willing to advance such sum or sums of money upon the purchase thereof, and to their respective heirs, executors, administrators, and assigns, such part or parts of such lands and premises belonging to them respectively, or his or their respective estate or interest therein, (subject to such annual rent as aforesaid, and to any head rent payable thereout), as shall be equivalent in value to such sum or sums of money so to be paid, or to such portion thereof as shall not be paid or advanced; and any such mortgage, sale, or conveyance of any such lands and premises, or of any estate or interest therein, granted, made, or executed in manner and for the purposes aforesaid, and when the money (if any) raised thereby shall have been applied to the purposes aforesaid, shall (subject always to such annual rent as aforesaid, and to any such head rent as aforesaid), have priority and precedence in law and equity, as against such granting and executing party, and all persons claiming the same estate or interest, or claiming from, through, or under or after him, over all other charges and incumbrances or estates affecting the said lands and premises so mortgaged, sold, or conveyed, or affecting the estate and interest therein of the person or persons so granting such mortgage or executing such sale or conveyance; and if any such mortgage, sale, or conveyance shall be made for the purposes aforesaid by any such immediate and superior tenant of such lands, in lieu of payment of such purchase money as aforesaid, the same shall be made or executed to or to the use of his majesty, his heirs and successors, or to any commissioners or persons by him or them appointed, to the use of his majesty, his heirs and successors: provided always, that the

order to raise purchase money; or to give a mortgage in lieu of money.

title of any of such lands and premises, when so mortgaged, sold, or conveyed to his majesty, his heirs or successors, shall not be impeached by reason of any defect therein whatsoever: provided also, that if any such mortgage, sale, or conveyance as hereinbefore mentioned shall have been made or executed to the person or persons respectively entitled to receive any such contribution in respect of any such purchase money as aforesaid, the granting, making, and executing the same shall be deemed a sufficient compliance with any order of any such court for payment of any such contribution by the person or persons making or executing such mortgage, sale, or conveyance as aforesaid, any thing herein contained to the contrary notwithstanding.

Inferior tenants authorized to bind themselves to pay an increased rent instead of contribution.

CLVI. And be it further enacted, that whenever any under or inferior tenant, or person or persons having or holding any derivative estate or interest immediately or mediately from, through, or under any such immediate and superior tenant of the said lands, by virtue of a lease or instrument containing a covenant or agreement for renewal, shall be unable or unwilling to pay or advance either the whole or a certain portion of such sum of money as shall be agreed or ascertained or adjudged as aforesaid to be payable by him or them respectively for such contribution in respect of such purchase as aforesaid, it shall and may be lawful for the tenant or tenants, owner or owners of such derivative estate or interest, at his or their election, (in lieu of paying or advancing such sum or sums of money for such contribution, and in lieu of mortgaging or selling a portion of such lands and premises, or his estate or interest therein as aforesaid), to bind himself, his heirs, executors, administrators, and assigns, to pay for such lands and premises so held by him, to his next immediate landlord, or to the person or persons from or under whom he immediately holds the same, an additional annual rent over and above the annual rent to be otherwise reserved, payable by him or them for or in respect of the said lands and premises, such additional annual rent to be equal in amount to the annual legal interest, at the rate of six pounds *per centum* for a year, of such principal sum of money as shall be so ascertained or agreed or adjudged to be paid by such tenant or owner of such derivative estate or interest for or in respect of such contribution as aforesaid, or of such part of such principal sum as shall not have been paid or advanced; and in such case it shall and may be lawful for such tenant or owner of such derivative estate or interest to give to his next immediate landlord, or the person or persons from or under whom he immediately holds the said lands and premises, a notice in writing, stating such his election to pay such additional annual rent as aforesaid, in lieu of paying or advancing the amount of such contribution money or a certain portion thereof.

Such rents to be a charge on tenant's interest, but liable to redemption.

CLVII. Provided always, and be it further enacted, that from the time of giving such notice as last aforesaid the said lands and premises or estate and interest so held by such under or inferior tenant or owner of such derivative estate or interest, and such under or inferior tenant or owner thereof, his heirs, executors, administrators, and assigns, shall be thenceforth, during the continuance of such estate or interest, or any renewal thereof, save as hereinafter

mentioned, charged and chargeable with such additional annual rent, over and above any other annual rent payable by him or them to such his or their next immediate landlord, or to the person or persons from or under whom he or they shall hold the said lands and premises, such additional annual rent to be paid at the same times, in the same manner, and to such and the same persons, and to be recoverable by all the ways, means, and remedies, and subject to the same rules and regulations, as if the same were part of and added to such annual rent as aforesaid before payable, and had been made payable and reserved in and by the deed or instrument of renewal executed or to be executed as aforesaid to such under or inferior tenant or owner as aforesaid; the first gale of such additional rent to be paid on the first gale day for payment of such other rent next after the giving of such notice; provided that the making of such election, and the giving of such notice, and the payment of such additional rent by such under or inferior tenant or owner of such derivative estate or interest, shall be deemed and taken to be a sufficient compliance with any order as hereinbefore mentioned to be made by the court of chancery or court of exchequer for the payment of such contribution money as aforesaid by such tenant or owner of such derivative estate or interest: provided also, that it shall and may be lawful for such under or inferior tenant or owner of such derivative estate or interest, having served such notice as last aforesaid, and being liable to the payment of such last mentioned additional rent, to redeem the whole or any portion of such additional rent, by paying at any time thereafter to such his next immediate landlord of the said lands and premises, his executors or administrators, or assigns, the whole or any portion of such contribution money payable in respect of such derivative estate or interest, in manner following: (that is to say), that from such time when the whole or a portion of such contribution money shall be so paid as last aforesaid, the whole or so much of such additional rent as shall be equivalent to the interest of such sum of money so paid, at the rate of six pounds *per centum* for a year, shall cease and determine; and the owner of such derivative estate or interest, and his assigns, and such lands and premises so held by him or them, shall from the time of such payment cease to be liable to the payment of the whole or of such portion of the said additional rent, as the case may be.

CLVIII. And be it further enacted, that if any person, who by reason of being possessed of an estate or interest in such lands, shall become liable to pay any part of such purchase money required for the purchase of the fee simple and inheritance of and in such lands and premises, or such contribution money in respect of such purchase as aforesaid, and shall have paid or advanced the same or such portion thereof as he was liable to pay as aforesaid, shall, by virtue of any deed, will, instrument, contract, or otherwise, be seized or possessed of or entitled to only a limited interest as tenant for life, or other like limited interest, in such lands and premises, or in such estate or interest therein, the executors and administrators of of any such tenant for life or person having such like limited interest, having so paid or advanced any such purchase money or contribution

Tenants for life or other limited interest shall be first incumbrancers for monies advanced by them,

money in respect of such purchase, shall after his death, as against all persons claiming any charge, incumbrance, or estate in or upon such derivative estate or interest, be the first incumbrancer or incumbrancers upon, and have the first charge or lien upon, such estate or interest in such lands and premises, (saving always such annual rent as aforesaid payable to such archbishop or bishop or other ecclesiastical persons, or the said commissioners, or other head rent payable out of the same), for the amount of such sum of money so paid by him, together with legal interest thereon from the time of the decease of such tenant for life or person having such like limited interest: provided nevertheless, that if any part of such principal sum of money so paid and advanced by such person shall be repaid or refunded to such person having such limited interest, his executors or administrators, by any under or inferior tenant of the said lands and premises, by way of contribution in respect of any such purchase under the provisions thereof, such charge, lien, or incumbrance shall be reduced by the amount of the sum so refunded or repaid as aforesaid.

Provision  
for cases of  
incapacitated  
persons and  
those under  
disability.

CLIX. And be it further enacted, that for the purpose of raising such purchase money or contribution money in respect of such purchase as aforesaid, it shall and may be lawful for all bodies politic, corporate, and collegiate, corporations aggregate or sole, and all guilds, fraternities, and brotherhoods, whether corporate or not corporate, and all trustees for charities or other public purposes, and all joint stock companies, who are or shall be possessed of any estate or interest in any such lands or premises belonging to the see or other spiritual promotion or dignity of any archbishop or bishop or other ecclesiastical persons, and also for any committee or curator of any idiot or lunatic, or of any person *non compos mentis*, and for any guardian of any infant, or for any person authorized to act for any incapacitated person, (which idiot, lunatic, *non compos mentis*, infant, or incapacitated person shall be possessed of or entitled to any estate or interest in any of the said lands and premises), in the same manner as such persons might have done if not under any incapacity, and also for all trustees of any such lands and premises on behalf of the persons for whom they shall be trustees, and also for all persons having a limited interest in possession in any of such lands and premises as tenants for life, or such like limited estate, to contract or agree respectively as to the amount of any purchase money or contribution money in respect of such purchase to be paid as hereinbefore mentioned in respect of any such respective lands and premises, and to apply to or appear before any of the said courts as parties to any such petition or proceedings as hereinbefore mentioned, and to comply with and perform the orders of any of the said courts respecting any such contribution money or other matters; and (for the purpose of performing any such order, or for raising any such purchase money or contribution money, or for doing or performing such other matters or things as shall in such respective cases be necessary or proper under the provisions of this act) also to make or execute any such sale or mortgage of the whole or a portion of such respective lands and premises, or such respective interests or estates therein as shall be necessary or proper

in each such case; and also to agree for or cause to be reserved or recoverable out of such respective lands and premises, or such respective estates or interests, such additional annual rent as aforesaid as may be necessary or proper under the provisions of this act, in lieu of payment of any such contribution money; and also to make, do, or execute all other matters, acts, and things necessary or proper for the due performance of any of the said respective acts, or for complying with the provisions or executing the powers hereof in any respect, as to any such lands, in the same or in like manner, as nearly as the nature of each case will admit, as fully and effectually, to all intents and purposes, and subject to all the same rules and regulations, as, under the provisions hereof, any person of full age, being solely or absolutely possessed of or entitled for his own use to any lease of any such lands, or any derivative estate or interest therein, might or could make, do, or execute the same or any of them under the provisions of this act; and that whenever in any of the provisions of this act relating to any such lands, in describing any tenant, landlord, or other person, a word importing the singular number or the masculine gender only be used, the same shall be understood to include and be applied to several persons as well as one person, and females as well as males, and to such bodies politic, corporate, or collegiate as aforesaid, and to such corporations aggregate or sole, guilds, fraternities, or brotherhoods, corporate or not corporate, trustees for charities or other public purposes, and trustees for any person or persons, as well as to individuals; and that the word "Landlord" shall extend as well to any person or persons, body corporate, politic, or collegiate, or other body of persons entitled to receive any rent out of any of such lands and premises, as to persons usually or legally designated by such word; and that the word "Tenant," shall extend as well to any person or persons, body politic, corporate, or collegiate, or other body of persons, who shall be bound to pay any rent out of any of such lands and premises, as to persons usually or legally designated by such word, unless in any of the foregoing cases there be something in the subject or context repugnant to such construction.

Definition of terms in this act.

CLX. And be it further enacted, that while and so long as any tenant or tenants, lessee or lessees, holding, or who shall at any time hereafter hold immediately from and under the said commissioners under this act, any lands, premises, or hereditaments heretofore belonging or which shall hereafter belong to any bishopric united or hereafter to be united to any other archbishopric or bishopric, and which lands, premises, and hereditaments, or the reversion thereof, shall have been transferred to and vested in the said commissioners by virtue of this act, shall be desirous of holding such lands, tenements, and hereditaments by the like tenure as the same have been theretofore holden by, and shall from time to time, at such periods as the lease in such lands, tenements, or hereditaments may have been theretofore usually renewed, or ought to be renewed according to the customary manner of renewing the same, or within six months thereafter, apply for a renewal of such lease, the said commissioners under this act shall and may accept a surrender of the then subsisting lease, and shall and are hereby required to demise anew

For the renewal of leases held under sees whereof the temporalities maybe vested in the commissioners under this act.



the lands, tenements, or hereditaments therein contained for such like term or interest as may have been granted therein by the lease so surrendered, reserving by such new lease the annual rent or rents theretofore reserved out of the said lands, premises, and hereditaments by the lease so surrendered, and receiving for and in consideration of making such new lease payment of such a fine as may be equal to the average amount of the renewal fines theretofore paid or agreed to be paid, or customarily paid or payable for the renewal of the lease or interest in such lands, tenements, and hereditaments, such annual rent or rents and average amount of such renewal fines to be ascertained by all such and the like means as hereinbefore provided for ascertaining the same in the case of applications for the purchase of perpetuities under this act.

Allowance to be made on renewed leases in certain cases

If any difference arise thereupon, the same shall be referred to arbitration.

CLXI. Provided always, and be it enacted, that in case the value of any new lease or interest so to be granted as aforesaid shall at any time appear to the said commissioners to be increased or diminished in any manner whatsoever, it shall and may be lawful for the said commissioners to accept or require such greater or lesser renewal fine or fines as in their judgment may be just and reasonable with regard to such increased or diminished value: provided nevertheless, that if any difference as to the increase or reduction of such average renewal fine should arise between the said commissioners and the tenant or tenants, lessee or lessees claiming such renewal, the same shall be referred to the determination of three arbitrators, to be appointed in manner hereinbefore provided for the appointment of arbitrators to adjust differences between the said commissioners and tenants or lessees applying for the purchase of perpetuities under this act, and with the like powers and authorities so far as the same are applicable; and the determination of such arbitrators as to the amount of such increase or reduction of the said fine shall be conclusive and binding upon all persons whomsoever; and the expense of such arbitration shall be borne by the said commissioners, or by the said tenant or tenants, or lessee or lessees, as such arbitrators shall direct.

Annual rent only to be reserved in leases, excluding any sum added thereto since 16th August 1832.

CLXII. And be it further enacted, that it shall and may be lawful for any archbishop or bishop, or other ecclesiastical person, in any lease or demise of any lands or premises to be made by him in right of his see or other spiritual promotion, after the passing of this act, or for the said commissioners, in any lease or demise to be made by them of any lands and premises vested in them pursuant to the provisions of this act, to separate any additional rent or sum reserved in consequence of the change in the liability to the payment of composition for tithes in any lease or demise of any such lands and premises made by him or them since the sixteenth day of *August* one thousand eight hundred and thirty-two from the former and customary annual rent or rents theretofore reserved and payable out of such lands and premises, and to reserve such former and customary annual rent or rents in any new lease or demise to be made thereof by him or them after the passing of this act.

No lease made after the passing of this act shall

CLXIII. And be it further enacted, that no lease or demise of any lands and premises to be made by any archbishop or bishop, or other ecclesiastical person, after the passing of this act, or by the

said commissioners of any lands and premises vested or which may hereafter be vested in them pursuant to this act, shall be deemed or taken to be a letting, setting, or demising of any lands and premises within the meaning of an act passed in the second and third years of the reign of his majesty king *William the fourth*, intituled *an act to amend three acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late majesty king George the fourth, providing for the establishing of composition for tithes in Ireland, and to make such compositions permanent*, so as to entitle the lessee or tenant thereof to hold the said lands and premises free from the payment of tithes or composition for tithes.

CLXIV. And be it further enacted, that whenever any notice required to be given by this act, or whenever any service of any order or other proceeding of any court which shall be required or be necessary for carrying into effect any of the provisions of this act, cannot be given or delivered to or cannot be effected upon the party or person or persons to or for whom such notice is directed or intended, or upon whom such service is to be effected, it shall be sufficient for the party or person obliged to give such notice or effect such service to leave such notice, or a copy of such order or proceeding, at the last or most usual place of abode of such party or person or persons to or upon whom such notice is to be given or service effected, if the same shall be within *Ireland*, and if the same shall not be within *Ireland*, then to serve such notice or such copy upon the agent or receiver of the rents of such party or person or persons, and if such agent or receiver cannot be discovered, then it shall be sufficient to publish such notice, or to give notice of such order or proceeding, by publishing notice thereof three times in the *Dublin Gazette*, and also to give such notice to or make such service upon any principal occupier of any of the said lands and premises respectively to which such notice, order, or proceeding shall relate.

CLXV. And be it further enacted, that the said commissioners under this act shall have power and authority, and are hereby empowered and authorized, from time to time to administer an oath to any person or persons who shall at any time give them information or be examined of or concerning any matter or thing relating to the execution of this act, or any way concerning the several powers and trusts in them hereby reposed, and the due execution thereof.

CLXVI. And be it further enacted, that this act may be altered, amended, or repealed by any act or acts to be made in this present session of parliament.

CLXVII. And be it further enacted, that the schedules (A.) and (B.) to this act annexed shall be deemed and taken to be part thereof as fully and entirely to all intents and purposes as if inserted herein.

be deemed a lease within the meaning of 2 & 3 W. 4, c. 119, so as to entitle tenant to hold lands tithe free.

Notices under this act, how to be served.

Power for commissioners to examine on oath

Act may be altered.

Schedules to be taken as part of act.

[Schedules

*Schedules.*

## SCHEDULE (A.) PART THE FIRST.

Containing the YEARLY TAX to be imposed upon all benefices, dignities, and other spiritual promotions under the rank of bishoprics.

Value of Benefice.		Charge per Cent.		Value of Benefice.		Charge per Cent.	
Exceeding.	And not exceeding.			Exceeding.	And not exceeding.		
£	£	£	s. d.	£	£	£	s. d.
300	305	2	10 0	765	765	9	10 0
305	315	2	15 0	765	775	9	12 6
315	325	3	0 0	775	785	9	15 0
325	335	3	5 0	785	795	9	17 6
335	345	3	10 0	795	805	10	0 0
345	355	3	15 0	805	815	10	2 6
355	365	4	0 0	815	825	10	5 0
365	375	4	5 0	825	835	10	7 6
375	385	4	10 0	835	845	10	10 0
385	395	4	15 0	845	855	10	12 6
395	405	5	0 0	855	865	10	15 0
405	415	5	2 6	865	875	10	17 6
415	425	5	5 0	875	885	11	0 0
425	435	5	7 6	885	895	11	2 6
435	445	5	10 0	895	905	11	5 0
445	455	5	12 6	905	915	11	7 6
455	465	5	15 0	915	925	11	10 0
465	475	5	17 6	925	935	11	12 6
475	485	6	0 0	935	945	11	15 0
485	495	6	2 6	945	955	11	17 6
495	505	6	5 0	955	965	12	0 0
505	515	6	7 6	965	975	12	2 6
515	525	6	10 0	975	985	12	5 0
525	535	6	12 6	985	995	12	7 6
535	545	6	15 0	995	1,005	12	10 0
545	555	6	17 6	1,005	1,015	12	12 6
555	565	7	0 0	1,015	1,025	12	15 0
565	575	7	2 6	1,025	1,035	12	17 6
575	585	7	5 0	1,035	1,045	13	0 0
585	595	7	7 6	1,045	1,055	13	2 6
595	605	7	10 0	1,055	1,065	13	5 0
605	615	7	12 6	1,065	1,075	13	7 6
615	625	7	15 0	1,075	1,085	13	10 0
625	635	7	17 6	1,085	1,095	13	12 6
635	645	8	0 0	1,095	1,105	13	15 0
645	655	8	2 6	1,105	1,115	13	17 6
655	665	8	5 0	1,115	1,125	14	0 0
665	675	8	7 6	1,125	1,135	14	2 6
675	685	8	10 0	1,135	1,145	14	5 0
685	695	8	12 6	1,145	1,155	14	7 6
695	705	8	15 0	1,155	1,165	14	10 0
705	715	8	17 6	1,165	1,175	14	12 6
715	725	9	0 0	1,175	1,185	14	15 0
725	735	9	2 6	1,185	1,195	14	17 6
735	745	9	5 0	exceeding			
745	755	9	7 6	1,195	...	15	0 0

No fractional part of a pound to be subject to this per-centage.

## SCHEDULE (A.) PART THE SECOND.

Containing the YEARLY TAX to be imposed upon all archbishoprics and bishoprics.

YEARLY VALUE.	YEARLY TAX.
Where the yearly value shall not exceed } £4,000 ... .. }	£5 per centum.
Where the yearly value shall exceed } £4,000 and shall not exceed £6,000 ... }	£7 per centum.
Where the yearly value shall exceed } £6,000 and shall not exceed £8,000 ... }	£10 per centum.
Where the yearly value shall exceed } £8,000 and shall not exceed £10,000 . }	£12 per centum.
Where the yearly value shall exceed } £10,000 ... .. }	£15 per centum.

## SCHEDULE (B.)

BISHOPRICS, when and as void, to be united to other bishoprics or archbishoprics.	ARCHBISHOPRICS and BISHOPRICS to which the bishoprics becoming void are to be united.
1. Dromore ... ..	Down and Connor.
2. Raphoe ... ..	Derry.
3. Clogher ... ..	Armagh.
4. Elphin ... ..	Kilmore.
5. Killala and Achonry ...	Tuam.
6. Clonfert and Kilmacduagh	Killaloe and Kilfenora.
7. Kildare ... ..	Dublin and Glandelagh.
8. Ossory ... ..	Ferns and Leighlin.
9. Waterford and Lismore .	Cashel and Emly.
10. Cork and Ross ... ..	Cloyne.

4 & 5 WILLIAM 4, CAP. 90.—*An act to amend an act made in the third and fourth year of the reign of his present majesty, intituled an act to alter and amend the laws relating to the temporalities of the church of Ireland.*—Whereas an act was passed in the last session of parliament, intituled *an act to alter and amend the laws relating to the temporalities of the church in Ireland*: and whereas it is expedient to amend the said act: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament

The appointment to sine-cure dignities may be suspended by lord lieutenant and council, on the recommendation of the ecclesiastical commissioners.

assembled and by the authority of the same, that it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and his majesty's privy council there, in the case of the deanery of *Lismore* now vacant, when they shall so think fit, at any time after the passing of this act, and in the case of any and every other ecclesiastical dignity or office under the rank of an archbishopric or bishopric, the person holding which shall not have actual cure of souls within any parish appropriated thereto, and also in the case of any and every rectory whereof the king shall be patron, or the right of presentation or collation whereunto shall be in any archbishop, bishop, or other dignitary, or in any ecclesiastical corporation, and the rector whereof shall not have actual cure of souls therein, whensoever after the passing of this act any such dignity, office, or rectory shall become void in any manner whatsoever, upon the recommendation of the ecclesiastical commissioners for *Ireland*, signified by any instrument under their corporate seal, if the said lord lieutenant or other chief governor or governors and council shall so think fit, to order and direct that the appointment to such dignity, office, or rectory shall be suspended until such lord lieutenant or other chief governor or governors and council shall think fit otherwise to direct; and in the meantime, and for and during such period as such dignity, office, or rectory shall remain vacant, all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits, and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said ecclesiastical commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said act; and the said ecclesiastical commissioners shall have all and every the like remedies for the recovery of such tithes, glebes, rents, lands, profits, and emoluments, and all arrears thereof, as any person filling such dignity, office, or rectory might or would have, and shall be for all such intents and purposes in the place and stead of such person: provided always, that in the case of any such suspension as aforesaid it shall and may lawful for the chapter of any diocese or cathedral church, or members thereof, to nominate and appoint some fit and proper person to perform and exercise all such acts and duties in relation to the property of any such chapter or cathedral church or otherwise as might or ought to have been or be performed or exercised by any successor in such dignity or office so suspended if such successor had been appointed; and such person so nominated and appointed shall have all such powers and authorities, and be subject to all such liabilities, in relation to the performance of such acts and powers, spiritual or other duties, as any such successor, if duly appointed, would have had or been subject to; and all the acts of the persons so appointed shall be of equal force and validity as the acts of any such successor if so appointed.

Lord lieutenant and privy council empowered to remove suspension.

II. Provided always, and be it further enacted, that if in any case it shall seem expedient to the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and his majesty's privy council there, to remove any such suspension and to give authority

for the appointment to any office, dignity, or rectory, subject to the severance therefrom of all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever appertaining thereto, it shall be lawful for the lord lieutenant or other chief governor or governors of *Ireland* for the time being, and his majesty's privy council there, to remove such suspension accordingly, on the condition hereinbefore contained.

III. Provided also, and be it further enacted, that whenever any right of presentation, nomination, or appointment to any vicarage or perpetual or other curacy shall be annexed or incident to any office, dignity, or rectory, the appointment to which shall be so suspended, then and in every such case such right of presentation, nomination, or appointment shall, upon every avoidance of such vicarage or perpetual curacy which shall happen during such suspension, belong to and be exercised by the same person or persons, or body or bodies corporate, by whom the right of appointment to such office, dignity, or rectory might have been exercised in case the same had not been suspended.

Patronage of suspended dignity, how to be exercised.

IV. And whereas it is by the said recited act, amongst other things, enacted, that it shall and may be lawful for the said commissioners to settle and adjudge the proportions of crown rents, port corn rents, pensions, procurations, synodals, and the salaries of the schoolmasters of the diocesan schools, which the incumbents of any parish or parishes divided or augmented pursuant to the provisions of the said recited act are respectively to pay: and whereas it is expedient that the said provisions should be extended to other charges affecting such parishes; be it therefore enacted, that all duties, powers, and authorities which are imposed upon or vested in the said commissioners by virtue of the said recited act and of this act, or of either of them, touching or concerning the settlement or adjudication of the proportions of such crown rents, port corn rents, pensions, procurations, synodals, and salaries so to be paid as aforesaid, shall extend and be applicable to the settlement and adjudication of the proportions of all other charges whatever charged upon or payable out of such divided or augmented parishes to be paid by the several incumbents thereof respectively after such division or augmentation; and such last mentioned proportions shall be adjusted and registered in such manner as in and by the said act is directed, and shall be binding and conclusive upon the said several incumbents of such divided or augmented parish or parishes respectively, and their respective successors, any law or custom to the contrary notwithstanding.

Charges upon suspended benefices, how to be regulated.

V. And whereas the provisions of the said act for the disappropriation of parishes, or the tithes or portions of tithes and glebes thereof, from the dignities to which the same may be united or appropriated, are limited to cases in which there are vicars or curates discharging the duties of such parishes; and it is expedient to remove such limitation; be it therefore enacted, that where there shall not be any vicar or curate in any parish which, or the tithes or any portions of the tithes and glebes whereof, may be appropriated or united to any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, it shall and may be lawful for the said lord

The tithes, &c. of parishes in which there may be no vicar or perpetual curate may be disappropriated from the dignities to which they are annexed, in like manner as the

tithe of pa-  
rishes in  
which there  
shall be such  
vicars or cu-  
rates.

lieutenant or other chief governor or governors and council, if they shall so think fit, by and with the consent and approbation of the archbishop, bishop, dean, archdeacon, dignitary, prebendary, or canon thereof, or whensoever such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry shall be void, to disappropriate, disunite, and divest such parish, and all tithes, portions of tithes, or glebes thereunto belonging, from and out of such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, and, if they shall so think fit, to order and direct that such parish, tithes or portions of tithes, or glebes, so disunited, shall from thenceforward be united and annexed to any neighbouring rectory, vicarage, or perpetual curacy, as hereinafter mentioned, or shall be and become for ever a separate benefice and parish: provided nevertheless, that in the rectory, vicarage, or perpetual curacy to which such disappropriated parish, tithes, or portions of tithes or glebes may be united, or in the separate benefice and parish into which the said disappropriated parish, tithes or portions of tithes, or glebes may be formed, divine service shall be constantly and duly celebrated; and if the same shall be made a separate benefice and parish, then and in such case it shall and may be lawful for the king's majesty, or other person or persons, or body or bodies corporate, having the right of nomination, appointment, or presentation to such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, from time to time to present, collate, nominate, and appoint a clerk to be the incumbent of such parish; and such clerk when duly presented, instituted or collated, and inducted, and his successors, shall be and become bodies politic and corporate, and shall be perpetually endowed with all the tithes, portions of tithes, and glebes so belonging to such parish, and so disappropriated, disunited, and divested as aforesaid, and shall have the actual cure of souls of and within the said parish.

Perpetual  
curate of any  
disunited  
parish to be-  
come rector.

VI. And be it enacted, that where under this or any other act any parish in which there shall be any perpetual curate endowed shall be disappropriated or disunited from any ecclesiastical dignity or benefice, such curate shall immediately upon such disappropriation or disunion, and by virtue thereof, be and become rector or vicar, as the case may be, of the parish so disappropriated or disunited; and such perpetual curacy shall merge in the said rectory or vicarage.

Lord lieuten-  
ant may  
unite to any  
adjoining or  
neighbour-  
ing parish  
any rectory,  
&c. disap-  
propriated  
from any  
dignity.

VII. And be it further enacted, that in any case in which the said lord lieutenant or other chief governor or governors of *Ireland* and council shall have power and authority under the provisions of the said recited act or this act, and shall think fit, to disappropriate, disunite, and divest any rectory, vicarage, tithes or portions of tithes, and glebes, or part or parts thereof, from and out of any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, it shall and may be lawful for such lord lieutenant or other chief governor or governors and council, if they shall so think fit, to unite and annex to any adjoining or neighbouring rectory, vicarage, or perpetual curacy as aforesaid, such rectory, vicarage, tithes, or glebes, or any part or parts or portions thereof respectively, which shall so have been disappropriated, disunited, or divested as aforesaid, together with the actual cure of souls within such rectory or

vicarage, or such part or parts thereof as shall be so united or annexed respectively, or within such place or places respectively whereof the tithes and glebes shall be so united or annexed; and in such case the said lord lieutenant or other chief governor or governors and council shall direct and regulate the rotations or turns in which the right of presentation or nomination to such adjoining or neighbouring rectory, vicarage, or perpetual cure shall upon any and every future avoidance thereof belong to or be exercised by and between the king's majesty, his heirs and successors, and by and between any other person or persons, or corporation or corporations, in like manner as the said lord lieutenant or other chief governor or governors and council are authorized and empowered to do in case any rectory, vicarage, tithes or portion of tithes, or glebes or portions thereof, has or have been or shall be united to any vicarage or perpetual curacy pursuant to the provisions of the said recited act.

VIII. And whereas by the said act it is made lawful for the lord lieutenant or other chief governor or governors of *Ireland*, with the privy council there, in case of vacancy, or with the consent therein mentioned, to disappropriate, disunite, and divest any rectory, vicarage, tithes, or portions of tithes, or glebe, from any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, and to unite the same to the vicarages, perpetual or other curacies of such parishes respectively, so as to form a distinct parish or benefice; be it enacted, that the said provision shall extend to parishes in towns where ministers' money is paid, whether there be any tithe or glebe belonging thereto or not; and that it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland*, with the privy council there, in case of a vacancy, or with the consent of the dignitary, prebendary, canon, or other ecclesiastical person having the cure of souls in any such parish in right of or appointment to his said dignity, prebend, or canonry, to disunite, disappropriate, and separate such parish, and the cure of souls therein, and the emoluments belonging thereto, whether consisting of glebe, tithes, ministers' money, or other payment, from the said dignity, prebend, or canonry, so as to constitute such parish for ever a separate and distinct benefice, to be presented to when vacant in the like manner as the said dignity, prebend, or canonry to which it was attached before such separation.

The provisions of 3 & 4 W. 4, c. 37, s. 124, extended to ministers' money.

IX. Provided always, and be it further enacted, that whensoever after the passing of this act, any deanery, archdeaconry, dignity, prebend, or canonry to which any rectory, vicarage, tithes, or glebes, or any part or parts, portion or portions thereof respectively, or ministers' money, or other payment or emolument as aforesaid, shall be appropriated or united, and not being in the gift or disposition of his majesty, shall become void, and whensoever after the passing of this act any benefice whereof the patronage or right of presentation or collation shall be in any archbishop, bishop, or other dignitary, and in which benefice divine worship shall not have been celebrated for the three years next preceding the first day of *February* one thousand eight hundred and thirty-three, shall become void, then and in either of such cases it shall not be lawful to fill up such vacancy, or to appoint any successor or successors in such deanery,

Parishes appropriated and becoming vacant, not to be filled up until one calendar month after notice to commissioners.



archdeaconry, dignity, prebend, or canonry or benefice, until the expiration of one calendar month after notice in writing shall have been given to the said ecclesiastical commissioners by the corporation or person having the patronage or right of appointment or election thereunto, of such vacancy or avoidance having occurred; and any election, appointment, presentation, collation, institution, or induction which shall be made contrary to the true intent and meaning of the said recited act or of this act shall be null and void to all intents and purposes whatsoever; and it shall and may be lawful for the said lord lieutenant and council, and for the said ecclesiastical commissioners respectively, to exercise all powers with which they are respectively invested, in relation to such deanery, archdeaconry, dignity, prebend, or canonry or benefice, by the said recited act or this act, in such manner as if the same were absolutely void: provided always, that the certificate of the ordinary that divine service has not been celebrated in any such benefice for three years next preceding the first day of *February* one thousand eight hundred and thirty-three shall be conclusive evidence of such fact for all the purposes of this act and of the said recited act.

Lord lieutenant and council may apportion charges on dignities from which disappropriations may be made.

X. And be it further enacted, that it shall and may be lawful to and for the said lord lieutenant or other chief governor or governors and council, whenever they shall, by virtue of the powers in that behalf in them vested, have disappropriated the temporalities or any part of the temporalities of any dignity, or shall have divided old parishes, or separated any parish or part of a parish heretofore united, to make such order as to them shall seem expedient for the extinguishment or payment of any charge or charges or of any part thereof to which such dignity or parish or benefice, or the person or persons succeeding to the same, are or may by law be liable, and to direct to whom, and by whom, and out of what funds, and in what sums and proportions, and at what time or times, such charges or any part of the same as are to be payable are thereafter to be paid, and by what means and proceedings and by and against whom the same are thereafter to be recoverable.

In cases of disappropriations, lord lieutenant to apportion dilapidation charges.

XI. And be it further enacted, that in case the lord lieutenant or other chief governor or governors of *Ireland* shall, pursuant to the provisions of the said recited act and of this act, or of either of them, have disappropriated, disunited, or divested from any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry any rectory, vicarage, tithes or portions of tithes, or glebes, or part or parts thereof, and in case the person or the representatives of the person upon whose removal or death any such disappropriation, disunion, or divestiture shall have been made, shall, by virtue of any law or statute, be entitled to receive from the next successor of such person in such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry any sum or sums of money on account of any purchase of or addition to glebes, or of any buildings or improvements, or of money paid by such person to his immediate predecessor on such accounts respectively, then and in every such case it shall and may be lawful for such lord lieutenant or other chief governor or governors and privy council to order and direct that such sum or sums of money shall be charged and chargeable in such

shares and proportions as they shall think just and reasonable upon the several parishes, tithes or portions of tithes, or glebes, or part or parts thereof respectively theretofore united and appropriated to such archbishopric, bishopric, deaconry, archdeaconry, dignity, prebend, or canonry; and such shares and proportions shall be paid and payable by the several incumbents of such parishes respectively, or by the person or persons thereafter to be entitled to such tithes or portions of tithes, and glebes, or part or parts thereof respectively, to such person and at such times and in such manner as the whole of such sum or sums of money would have been payable by virtue of any law or statute in force in *Ireland* in case such disappropriation, disunion, or divestiture had not taken place: provided always, that it shall and may be lawful for every such incumbent or other person, or his representative, having paid any such share or proportion in manner aforesaid, to receive and recover from his next and immediate successor such part of such share and proportion at such time and by such ways and means as if such share or proportion had been paid by him to his next and immediate predecessor by virtue of any law or statute in force in *Ireland*.

XII. And whereas it is by the said recited act provided, that the said ecclesiastical commissioners shall within a certain period pay to the executors or administrators of doctor *Richard Bourke*, late bishop of *Waterford*, all and every such sum of money as, pursuant to any statute or law in force in *Ireland*, could or might have been recovered by such executors or administrators against the successor of the said late bishop in case such act had not been made; and it is also by the said act further provided, that the said commissioners shall at certain periods, from and after the respective vacancies of the other bishoprics (save and except the bishoprics of *Ossory* and of *Cork* and *Ross*) named in the first column of the schedule (B.) to the said act annexed, or the annexation thereof to any bishopric in the second column of the said schedule named, pay to the person or his representatives, as the case may be, by whose promotion or death such vacancy shall have been occasioned, or who shall become the bishop of any such united bishoprics, all such sums of money as would have been payable by or recoverable against any successor in such bishoprics in such first column named in case the said act had not been made; but no provision is made by the said act enabling the said ecclesiastical commissioners to recover for dilapidations suffered or committed by the said doctor *Richard Bourke*, or other bishops as aforesaid; be it therefore enacted, that the said ecclesiastical commissioners shall and may recover from the representatives of the said doctor *Richard Bourke*, and from the bishop of each and every bishopric in the first column of the said schedule named (save and except the bishoprics of *Ossory* and of *Cork* and *Ross* aforesaid) being or becoming void or united to any other bishopric under the provisions of the said act, or from the representatives of such bishop, all and every such sums or sum of money as the successor or successors of such bishop of *Waterford*, or other bishop (if such had been appointed), might or could have recovered under any law or statute in force in *Ireland* from the representatives of the said doctor *Richard Bourke*, or from such other bishop or his representatives, for or on

Ecclesiastical commissioners may recover dilapidations from bishops in the first column of schedule (B.) annexed to the 3rd & 4th W. 4, c. 37, or from their representatives, in like manner as a successor.

Commissioners to have such means for ascertaining and recovering amount of dilapidations as a successor would have had.

account of dilapidations, in case the said recited act had not been passed; and that the said ecclesiastical commissioners shall have, for ascertaining the extent of such dilapidations, and for the recovery of such money as may be due on account thereof, all such remedies as the successor or successors of any such bishop could or might have used if the said recited act had not been passed; and it shall be lawful for the said ecclesiastical commissioners to deduct from and out of any money which they are or may be liable under the provisions of the said recited act to pay to the representatives of the said doctor *Richard Bourke*, or any other such bishop, his executors or administrators, such sums as are or shall be respectively payable by or recoverable from the representatives of the said doctor *Richard Bourke*, or such other bishop, his executors or administrators, for or on account of such dilapidations, in like manner as the successor or successors of the said doctor *Richard Bourke*, or any other such bishop, might have deducted the same under any law or statute in force in *Ireland* if the said recited act had not been passed.

Proceedings already taken for ascertaining or recovery of dilapidations to be valid.

XIII. And be it further enacted, that all such proceedings as may already have been taken by or on behalf of the said ecclesiastical commissioners for the ascertaining or recovery of any money on account of dilapidations in or upon the see house, offices, lands, or improvements of the said bishopric of *Waterford*, or of any other bishopric named in the first column of the schedule (B.) to the said recited act annexed, which may be or have become vacant or united to any other bishopric under the provisions of the said recited act, are and shall be and be deemed to have been as valid and effectual to all intents and purposes as if the same had been taken by or on behalf of the immediate successor or successors, lawfully appointed and invested, of the bishop by whom such dilapidations may have been committed or suffered.

Commissioners may recover for dilapidations committed in *Ferns* and *Leighlin* and *Cloyne*.

XIV. And be it enacted, that when and as the bishoprics of *Ferns* and *Leighlin* and of *Cloyne* respectively shall be united to the bishoprics of *Ossory* and of *Cork* and *Ross*, the said ecclesiastical commissioners shall and may in like manner, and by all such and the like means, recover from the persons or their representatives by whose promotion or death such vacancy shall have occurred or been occasioned, or who shall become the bishops of such united sees, all such sums as the successors in such bishoprics of *Ferns* and *Leighlin* and *Cloyne* respectively would have been entitled to recover for dilapidations in case this act had not been made.

See houses of bishoprics in the first column of the said schedule (B.) shall vest in bishops of united bishoprics electing or transferred to such see houses.

XV. And be it further enacted, that whenever pursuant to the provisions of the said recited act, and with such consent as therein required, the see house of any bishopric in the first column of the schedule (B.) to the said act annexed shall be or have been chosen to be the see house of any united bishopric, such see house, and the offices, and the whole or a part only of the mensal or demesne lands thereto belonging, which are set out as a fair equivalent for the whole or a part only of the surrendered mensal or demesne lands belonging to the bishopric in the second column of the schedule (B.) as the case may be, shall without any grant or conveyance whatsoever be divested out of the said ecclesiastical commissioners, and become vested in the bishop of such united bishopric, and

annexed thereto, and thereafter continue to be to all intents and purposes the see house, offices, and mensal or demesne lands of such united bishopric.

XVI. And be it enacted, that all lands, tenements, and all estates, terms, and interests therein, whether legal or equitable, and all benefit and right of renewal of or in the same, which at the time of the passing of the said recited act were or now are vested in the trustees and commissioners of first fruits in *Ireland*, shall be and the same are hereby absolutely transferred to and vested in the said ecclesiastical commissioners and their successors, in like manner, and upon and for the like trusts, intents, and purposes, as the same were heretofore vested in the said trustees and commissioners of first fruits.

The title to lands, &c. now vested in board of first fruits shall vest in ecclesiastical commissioners.

XVII. And whereas it is by the said act provided that upon each and every avoidance happening after the period in the said act mentioned of certain benefices to be selected from and out of the benefices belonging to each of the bishoprics mentioned in the first column of the schedule (B.) to the said act annexed, it shall and may be lawful for the archbishop of *Armagh* and archbishop of *Dublin* to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the *Holy and Undivided Trinity*, near *Dublin*, being in holy orders; provided always, that in case the said two archbishops shall not be able to agree in such nomination and appointment, or shall decide upon the person to be appointed to the said vacant benefice, the first turn therein to be exercised by the archbishop of *Armagh*; and if on the vacancy of any of the said benefices so selected as aforesaid the said archbishop shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall for that turn devolve to the bishop of the diocese and be in all respects subject to the ordinary law of lapse: and whereas it is necessary to explain and amend the said hereinbefore recited provision; be it therefore enacted and declared to be the meaning of the said recited provision, that upon each and every avoidance of the benefices selected as aforesaid, happening after the time in the said act mentioned, it shall and may be lawful for the said archbishop of *Armagh* and archbishop of *Dublin* to nominate and present to each such benefice one of the fellows or ex-fellows of the college of the *Holy and Undivided Trinity*, near *Dublin*, being in holy orders; and that if on the vacancy of any of the said benefices, so selected as aforesaid, the said archbishops shall not present thereto some such fellow or ex-fellow within such period as any patron ought to present to a benefice in his gift or presentation, then and in such case the right of presentation or collation to such benefice shall for that turn devolve to the bishop of the diocese, and be in all respects subject to the ordinary law of lapse.

Declaring the meaning of the clause of recited act empowering the archbishops of *Armagh* and *Dublin* to present a fellow of *Trinity College* to certain selected benefices;

XVIII. And whereas it is necessary to explain and amend certain provisions of the said recited act in respect of the bishoprics of *Ferns* and *Leighlin* and *Ossory* and of *Cloyne* and *Cork* and *Ross*; be it therefore enacted and declared to be the meaning of the said recited act, that the said ecclesiastical commissioners shall, by such instal-

as also the clause providing for liabilities upon the bishoprics of *Ferns* and *Cloyne*.

ments, to be made in such manner and at such periods from and after the respective periods when the bishopric of *Ferns* and *Leighlin* shall become united to the bishopric of *Ossory*, and the bishopric of *Cloyne* united to that of *Cork* and *Ross*, as any successors thereto would have been respectively bound or liable if such successors had been appointed, pay to the persons or their representatives by whose promotion or death such vacancies shall have occurred or been occasioned, or who shall become the bishops respectively of such united bishoprics, all and every such sum or sums of money as would have been payable by or recoverable against the several successors in the said bishopric of *Ferns* and *Leighlin* and bishopric of *Cloyne* respectively, in case the said act not been passed: and that the bishops of such united bishoprics of *Ferns* and *Leighlin* and of *Ossory* shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishopric of *Ossory* would have been in case the said act had not been passed; and the bishops of such united dioceses of *Cloyne* and of *Cork* and *Ross* shall be and become liable to the payment of all such like sum or sums of money as any successor or successors in the said bishopric of *Cork* and *Ross* would have been in case the said act had not been passed: provided that nothing herein contained shall, in the event of the now bishops of *Ossory* and of *Cork* and of *Ross* becoming respectively bishops of such united bishoprics, alter or affect the liabilities to them respectively of their successors.

The bishops of *Ferns* and *Cloyne* may recover for dilapidations from their predecessor, and for sums paid by them from their successor.

XIX. And be it further enacted, that if the now bishop of *Ferns* and *Leighlin* or the now bishop of *Cloyne* shall become bishops respectively of such united bishoprics respectively, they shall be entitled to recover as successors for any dilapidations; and if they shall pay to the bishop of *Ossory*, or the bishop of *Cork* and *Ross*, or to his or their respective representatives, as the case may be, any sum or sums of money which would have been payable by or recoverable against any successor in the said bishoprics, then and in such case it shall and may be lawful for the bishop of either of such united bishoprics respectively to recover from his next immediate successor the whole of such sum of money so by him paid; and such next immediate successor, and his successor or successors respectively, shall and may recover, each against his successor, such proportion of such sum of money as would have been recoverable in each case respectively if such next immediate successor of the now bishop of *Ferns* and *Leighlin* or of *Cloyne* had been the next immediate successor lawfully appointed and invested of the now bishop of *Ossory* or of *Cork* and *Ross*.

Compensation for malicious injuries to churches may be recovered either at the next or at the second assizes after commission of the injury.

XX. And be it further enacted, that in case any such wanton and malicious injury or damage as in the said recited act mentioned shall be committed in or to any church, chapel, or other building used for religious worship according to the usage of the united church of *England* and *Ireland*, it shall and may be lawful for the said ecclesiastical commissioners, or any person or persons to be by them deputed in that behalf, by writing under their common seal, to sue for and recover satisfaction and amends, pursuant to the provisions of the said recited act, for such wanton and malicious injury or damage, either at such period or periods as in and by the said recited

act for that purpose provided, or at the second assizes to be held after the commission of such injury or damage for the county in which such church, chapel, or other building may be situate; or if in the county of *Dublin*, at the second presenting term; or if in the city of *Dublin*, at the second quarter sessions respectively after the commission of such injury, and that all powers and provisions contained in the said recited act, applicable to the suing for or recovery of such satisfaction at the next assizes, presenting term, or quarter sessions respectively, shall extend and be applicable to the suing for and recovery of such satisfaction and amends at such second assizes, presenting term, or quarter sessions respectively.

**XXI.** And be it further enacted, that in case any tenant or lessee, who under the provisions of the said recited act is or shall be entitled to apply and agree for, and who shall have applied and agreed for, the purchase of a perpetual estate or interest in any lands, tenements or hereditaments, shall hold such lands, tenements, or hereditaments by lease for the term of twenty-one years, whereof less than twenty years shall be to come and unexpired, or for the term of forty years, whereof less than thirty-nine years shall be to come and unexpired, or for three lives, and all the lives named in such lease shall not be in being, then and in every such case it shall and may be lawful for every such tenant or lessee to tender to the archbishop, bishop, or other sole ecclesiastical corporation, under whom he shall hold such lands, tenements, or hereditaments, or to his or their known agent or agents, such sum or sums as he shall consider to be the true and just amount of the renewal fine or fines, and fees customarily paid or payable for or upon the renewal of such lease for such term or interest as in and by the said recited act is required; and in case such archbishop, bishop, or other sole ecclesiastical corporation shall refuse or neglect within a reasonable time after such tender to accept such sum or sums of money and execute such renewal, then and in every such case it shall and may be lawful for the said ecclesiastical commissioners, and they are hereby authorized and required, at the requisition in writing of such tenant or lessee, to ascertain by the issuing of a commission, or by such other ways and means as they shall deem fit and expedient, the amount of the renewal fines usually or customarily paid or payable on and for the renewal of such lease, and the sum which, according to the usual and accustomed mode of renewing the same, ought to be paid on the renewal thereof, up to the day upon and from which the rent to be reserved by the deed or deeds of conveyance of such lands and premises is to begin to accrue due; and such tenant or lessee shall, upon payment to the said ecclesiastical commissioners, to and for the use of such archbishop, bishop, or other sole ecclesiastical corporation respectively, of such sum so ascertained as aforesaid, and of all rents and arrears of rent due upon such lease, be entitled to have a conveyance executed of the fee simple and inheritance of and in the said lands, tenements, and hereditaments, in like manner as if such lease had been fully renewed for such term of years or lives respectively as in and by the said recited act is required: provided always, that no tenant or lessee holding any lands or premises by lease for the term of twenty-one years or of forty years, whereof less than one year shall have

Tenant not having a fully renewed lease may tender to archbishop, bishop, &c. the amount of the customary fines, and if declined, commissioners may ascertain the amount of fine which ought to be paid, and upon payment thereof, tenant entitled to have a conveyance.

No tenant to be entitled to perpetuity, unless he

pays up his proportion of fine for the period of the year elapsed from the previous renewal.

expired, shall be entitled to have any deeds of conveyance of such lands and premises made or granted to him or her by virtue of the said recited act and of this act, or of either of them, unless, in addition to all rent and arrears of rent due upon and reserved by such lease, he or she shall have paid and satisfied to the archbishop, bishop, or other ecclesiastical person under whom he or she shall hold the said lands and premises, or to the said ecclesiastical commissioners, a proportional part of the fine or fines and fees usually and accustomedly paid and payable for and upon the renewal of such lease, up to and for such day upon and from which the rent to be reserved in and by such deed of conveyance is to begin to accrue due.

In cases of inadequate fines heretofore paid for renewals, commissioners empowered to ascertain what ought to have been paid according to the custom of the diocese.

XXII. And be it enacted, that whensoever upon any application for the purchase of the fee simple and inheritance in any lands under the provisions of the said recited act or this act, or for the renewal of any lease, or the making a new lease or demise of any lands held under the said ecclesiastical commissioners, such commissioners may be authorized and required to ascertain the amount of any fine or fines and fees theretofore paid or agreed to be paid or customarily paid or payable for renewal of such lease, and that such commissioners shall find that the fine or fines and fees paid during any such period as in the said act mentioned, or agreed to be paid or payable for the renewal of such lease, have been greatly inadequate as compared with the fine or fines and fees usually paid according to the custom of the same diocese or other spiritual promotion for or upon the renewal of leases or interests in other lands within such diocese or other spiritual promotion held by like tenure and demise, and that such commissioners shall have reasonable cause to conclude that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the matter shall be referred to three arbitrators, to be appointed in manner by the said recited act provided for the appointment of arbitrators to adjust differences between the said commissioners and parties applying for the purchase of perpetuities under the said act; and the expense of such arbitration shall be borne by the said commissioners, or by the other party, or by both, in such proportions as such arbitrators shall direct; and if such arbitrators shall decide that the fine or fines and fees aforesaid were not greatly inadequate, or that such inadequacy did not arise out of any favour or community of interest between the lessor and lessee, the said commissioners shall proceed to make their calculation as by the said act required upon such fine or fines and fees, so paid or agreed to be paid or payable, and in all respects as if no inadequacy had been alleged to exist; but if the said arbitrators shall decide that such fine or fines and fees were greatly inadequate, and that such inadequacy arose out of any favour or community of interest between the lessor and lessee, then and in such case the said arbitrators, or any two of them, shall and are hereby authorized and empowered to inquire and ascertain, by actual survey and valuation, or by the examination of witnesses upon oath (which oath the said arbitrators are hereby authorized to administer), or by such other ways and means as they shall deem fit and expedient, the yearly value of the lands, tenements, and hereditaments, the tenant

or lessee whereof shall so have applied for such renewal or purchase, and the fine or fines and fees which ought reasonably to have been paid for the renewal of such lease or interest in such lands in proportion to the yearly value thereof, according to the custom of the same diocese or other spiritual promotion, upon the renewal of leases or interests in other lands and tenements situate within the same, respectively, and held upon the like tenure and demise; and the determination of such arbitrators, as to the amount of such fine or fines and fees, shall be conclusive and binding upon all persons whomsoever; and the fine or fines and fees so ascertained shall be deemed and taken to be for all purposes of the said recited act and of this act the renewal fine or fines and fees respectively theretofore paid, agreed to be paid or payable, or which ought to have been paid upon the renewal of the said lease or interest in such lands, tenements, and hereditaments, the tenant or lessee whereof shall so have applied for such renewal or purchase as aforesaid.

XXIII. And be it further enacted, that every commission to be issued by the ecclesiastical commissioners for the purposes of this act shall issue in the same manner, and shall be subject to the like rules and regulations, and shall have and exercise the like powers, as in and by the said recited act is provided with respect to commissions directed to be issued for inquiring into the value of ecclesiastical benefices.

Commissioners under this act to have the same powers as under former act.

XXIV. And whereas it is by the said recited act amongst other things enacted, that upon such notification in writing being given by any such tenant or lessee as therein mentioned, that he is ready and willing to purchase the fee simple and inheritance of and in any lands, premises, or hereditaments held by him by virtue of such lease or contract as therein mentioned immediately from and under any archbishopric, bishopric, or other spiritual promotion or dignity, pursuant to the provisions of the said recited act, it shall and may be lawful for the said ecclesiastical commissioners, and they are thereby authorized and required, to ascertain the amount of the sum or sums of money theretofore paid or agreed to be paid as and for the fine or fines and fees for renewal of any such lease or interest of and in the said lands and premises in case of leases for lives for and during such period as shall include the three last previous occasions of such renewal; and it is in and by the said recited act further enacted, that in the case of leases for lives the said commissioners under the said recited act shall compute the yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interest; be it enacted, that from and after the passing of this act the said recited provisions, so far as the same relate to the purchase of perpetual estates or interests in any lands, premises, or hereditaments held by virtue of any lease or leases for lives, be and the same are hereby repealed.

Provisions for the purchase of perpetual estates, &c. in lands, &c. held on lease, repealed.

XXV. And be it further enacted, that in every case in which any tenant or lessee who under the provisions of the said recited act shall be entitled to apply and agree and shall have applied for the purchase of a perpetual estate or interest in any lands, premises, or hereditaments, shall hold such lands, premises, or hereditaments under or by virtue of any lease for lives, it shall and may be lawful

In case a tenant or lessee shall apply for the purchase of a perpetual estate in lands, &c. under a lease



for lives,  
value to be  
ascertained  
by ecclesiastical commissioners.

to and for the said ecclesiastical commissioners to ascertain by calculation a term for years of equal value to the subsisting interest or term for lives then in being under such lease, and thereupon to compute and ascertain in such manner as to them shall seem just with reference to the custom of the archbishopric, bishopric, or other spiritual promotion in which such lands, tenements, and hereditaments shall be situate, the annual sum or sums of money which ought to be paid or payable as and for the fine or fines and fees for renewal of a lease of the said lands, premises, and hereditaments held for such a term of years aforesaid; which sum or sums so ascertained, together with and in addition to the annual rent or rents theretofore reserved and payable out of the said lands and premises under and by virtue of such lease for lives, shall be the amount of the annual rent to be reserved and made payable in and by the deed of conveyance of the said lands and premises, to be executed pursuant to the provisions of the said recited act and of this act or of either of them, subject, however, to such variation, according to the price of wheat or oats, as in and by the said recited act and this act provided; and such amount or sum so ascertained shall in all cases of leases for lives be inserted in any certificate to be given, granted, registered, or enrolled pursuant to the provisions of the said recited act, instead of the average renewal fine theretofore paid or payable on the several occasions of renewing any such lease for lives.

Limiting costs to solicitors employed by commissioners under this act.

XXVI. And whereas under and by virtue of the said recited act it is enacted that it shall and may be lawful for the said commissioners, out of the said funds therein mentioned, to defray all such incidental charges and expenses as shall become necessary in the execution of the several powers and trusts by the said act, or any act thereafter to be passed, reposed in them: and whereas it is expedient that the sum to be paid for costs to the solicitor or attorney employed by the said commissioners should be limited in amount; be it therefore enacted, that no sum shall be paid by said commissioners to any attorney or solicitor as and for costs, charges, or expenses unless the amount of such payment shall first have been approved of by the lords of the treasury: provided always, that no sum exceeding one thousand pounds shall be allowed in any one year by the said lords of the treasury as and for the costs, charges, or expenses of any such attorney or solicitor; and before any such sum shall be allowed by the said lords commissioners of the treasury on such account as aforesaid, the particulars of all such costs, charges, and expenses shall be laid before them.

Commissioners, with sanction of the treasury, may contribute towards such charitable purposes as bishops in suppressed sees were accustomed to do.

XXVII. And be it enacted, that it shall and may be lawful for the said ecclesiastical commissioners, with the consent and approbation of the lords commissioners of his majesty's treasury, to bestow and apply out of any surplus or balance which may arise in any year, after due provision made for the several objects and purposes to which the funds accruing to the said ecclesiastical commissioners under the provisions of the said act of the last session of parliament are primarily applicable, such sums as they shall think proper for and to such charitable purposes as the bishops of the several bishoprics, the temporalities whereof may now be or hereafter become vested in

the said ecclesiastical commissioners, may have usually subscribed or contributed towards.

XXVIII. And whereas it is expedient that provision should be made for facilitating the execution of the deed or deeds of conveyance of lands and premises to be purchased pursuant to the said recited act, where such lands and premises are or shall be held under any archbishop, bishop, or other sole ecclesiastical corporation; be it therefore enacted, that from and after the passing of this act, so much of the said recited act shall be repealed as provides that if such lands so to be purchased shall, at the time of such purchase, belong to or be held under any archbishop or bishop, or other ecclesiastical person, then and in such case, on the production by tenant or lessee, as therein mentioned, to the said archbishop, bishop, or other ecclesiastical person, of such notice or certificate, and of such receipt of the cashier or cashiers of the bank of *Ireland* as therein mentioned, such archbishop, bishop, or other ecclesiastical person shall and he and they is and are hereby required and directed to execute, seal, and deliver a deed of conveyance of the fee simple and inheritance of the said lands and premises to such tenant or lessee, when the same shall be tendered for execution, subject to such annual rent as therein mentioned; and that if such archbishop, bishop, or other ecclesiastical person shall, on the production of such notice or certificate and receipt as aforesaid, refuse or neglect to execute such deed of conveyance, when tendered for execution as aforesaid, for the space of two calendar months after such tender shall have been made as aforesaid, then, upon such proof being made to the said commissioners by affidavit to be sworn before such persons as therein mentioned, (which affidavit they are thereby respectively empowered to administer), or upon oath of a credible witness to be examined by the said commissioners, it shall and may be lawful for the said commissioners and they are thereby empowered and required to execute, seal and deliver the said deed or deeds of conveyance in the name of and on behalf of the said archbishop or bishop or other ecclesiastical person so refusing or neglecting to execute the same as aforesaid, and to affix the corporate seal of the said commissioners to such deed or deeds, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds; and that such execution of the said deed or deeds by the said commissioners shall be as valid and effectual to all intents and purposes whatsoever as if the said deed or deeds had been duly executed by the said archbishop or bishop or other ecclesiastical person, in pursuance of the said recited act; and so much and such parts of the said recited act is and are hereby repealed accordingly.

XXIX. And be it further enacted, that in case any lands, premises, or hereditaments, purchased or to be purchased pursuant to the provisions of the said recited act and of this act or either of them, shall at the time of such purchase be held under any archbishop, bishop, or other ecclesiastical person, it shall and may be lawful for the said ecclesiastical commissioners, on production to them of the receipt of the cashier or cashiers of the bank of *Ireland* for the amount of the purchase money ascertained and payable in respect of such lands, premises, or hereditaments, pursuant to the said recited

So much of 3 & 4 W. 4, c.37, repealed as requires tenant to tender to archbishop or bishop deed of conveyance, and if such archbishop or bishop neglects to execute for two months, commissioners to execute in his name.

Commissioners empowered to execute conveyance of lands in the name of the archbishop or bishop, &c. and deed to be as valid as if executed by archbishop, bishop, &c.

Commissioners to notify to archbishop, bishop, &c. the terms of purchase one calendar month before execution of deed.

Sub-tenants empowered to purchase perpetuities in bishops' lands on default of superior tenants.

act and of this act, to execute, seal, and deliver, in the name and in behalf of such archbishop, bishop, or other ecclesiastical person, a deed of conveyance of the fee simple and inheritance of the said lands, premises, and hereditaments, to the tenant or lessee thereof, unto and to the use of such tenant or lessee, his heirs and assigns, or as he or they shall appoint, subject to such annual rent as in and by the said recited act is provided; and the said ecclesiastical commissioners shall affix to such deed or deeds of conveyance their corporate seal, and shall give at the foot or on the back of such deed or deeds respectively a certificate or certificates, which shall be conclusive evidence of the truth of the matter thereby certified, that such deed or deeds has or have been executed pursuant to the provisions of the said recited act and of this act; and such deed or deeds shall be in like form, and shall, when so executed, be as valid and effectual to all intents and purposes as if the same had been duly executed pursuant to the said recited act by such archbishop, bishop, or other ecclesiastical person, in case this act had not been passed: provided always, that the said ecclesiastical commissioners shall, one calendar month at least before the execution of such conveyance, notify, by such notice in writing as in and by the said recited act for that purpose is directed, to the archbishop, bishop, or other ecclesiastical person under whom the said lands and premises are or shall be held as aforesaid, the amount of the annual rent to be thereafter reserved and payable out of the said lands and premises, and of the purchase money to be paid for the conveyance thereof, pursuant to the provisions of the said recited act.

XXX. And whereas in many cases the lands, tenements, and hereditaments held under leases from archbishops, bishops, or other ecclesiastical corporations sole in *Ireland* have been sublet to under tenants, who are entitled, under covenants or contracts, to the renewal of their leases from time to time as often as the first or immediate tenants thereof shall obtain renewals of their leases from any such archbishop, bishop, or other ecclesiastical corporation sole, and by reason of the small interest of the first or immediate tenants in such lands, tenements, and hereditaments, or for other reasons, they may not be desirous to purchase the fee simple and inheritance therein, and it is expedient that in such cases the under tenants thereof should be authorized to purchase the same, subject to the provisions and regulations hereinafter contained; be it therefore enacted, that it shall and may be lawful to and for any under tenant, having any derivative estate or interest in any such lands, tenements, and hereditaments by virtue of any lease containing any such covenant or contract for the renewal thereof as aforesaid, either mediately or immediately through or under the first or immediate tenant thereof, to apply (in the manner prescribed by the said act in reference to first or immediate tenants) for the purchase of the fee simple and inheritance of and in the lands, tenements, and hereditaments held by such under tenant under any such lease, giving notice, nevertheless, in writing of such application to the first or immediate tenant of such lands, tenements, and hereditaments, and to all other tenants thereof (if any) intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under tenant making

such application, or to the known agent or receiver, agents or receivers of such first and other intervening tenants; and upon the receipt of such notice, or at any time within twelve calendar months thereafter, it shall be lawful as well for such first or immediate as for any other of such intervening tenants to apply in like manner for the purchase of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, and the first or immediate tenant of such lands, tenements, and hereditaments is hereby empowered to contract or agree for the purchase thereof accordingly, in the manner provided by the said act, or as near thereto as circumstances will admit, notwithstanding such lands, tenements, and hereditaments shall not constitute the whole of the lands, tenements, and hereditaments held by him under any lease from any such archbishop, bishop, or other ecclesiastical corporation sole; and in case such first or immediate tenant shall neglect or omit to make application in manner by the said act directed for the purchase of the fee simple and inheritance of and in such lands, tenements, and hereditaments for the space of twelve calendar months after such notice in writing shall have been given to him, or to his known agent or receiver, it shall be lawful for the said commissioners to treat, contract, or agree with such under tenant who may have given such notice as aforesaid, or with any intervening tenant who may have made application within the said period of twelve months, for the absolute purchase by him of the fee simple and inheritance of and in the same lands, tenements, and hereditaments, upon such and the same terms and in the same manner as in the said act is prescribed for the purchase of perpetuities by any first or immediate tenant, but subject nevertheless (in addition to the rent thereby directed to be reserved and made payable to the archbishop, bishop, or other ecclesiastical corporation sole under whom the same are immediately held (to a perpetual rent charge, or as many perpetual rents charge as there are tenants intervening between such archbishop, bishop, or other ecclesiastical corporation sole, and the under tenant entering into such contract for purchase, such rent charge or rents charge to be ascertained in manner hereinafter mentioned, and to be issuing out of the same lands, tenements, and hereditaments, and to be reserved and made payable to such intervening tenant or tenants, his or their heirs and assigns for ever: provided always, that in case more than one of such under tenants shall make application for such purchase, the application of the under tenant holding directly under such first or immediate tenant shall be preferred to that of the one next below, and so on according to priority of holding down to the under tenant so giving notice as aforesaid; and the said commissioners shall convey the said lands, tenements, and hereditaments, so contracted to be purchased, to the purchaser thereof accordingly, in the manner and under the regulations by the said act provided in relation to the purchases thereby authorized to be made, subject nevertheless to the additional perpetual rent charge or rents charge hereinbefore mentioned; and immediately upon the execution of such conveyance the reversion or respective reversions then vested in such intervening tenant or tenants shall, so far only as respects such lands, tenements, and hereditaments, be absolutely merged

Purchases by sub-tenants subject to rents charge to superior tenants.

Sub-tenants' applications for purchase to have preference according to priority.

and extinguished in the freehold and inheritance thereby conveyed to such purchaser, and the said perpetual rent charge or rents charge, and the estate or interest therein, shall be considered as a substitute or substitutes for the rent and reversion so merged and extinguished as aforesaid.

Mode of ascertaining amount of rent charge.

XXXI. Provided always, and be it further enacted, that the amount of the perpetual rent charge so to be reserved and made payable to every such intervening tenant shall be equal to the net annual income or profit rent for the time being derived by him from the lands, tenements, and hereditaments so purchased by such under tenant as aforesaid, such net annual income or profit rent to be ascertained by deducting the amount or proportional amount of the annual rents, fines, and other outgoings and expenses payable by such intervening tenant in respect of such lands, tenements, and hereditaments from the amount or proportional amount of the annual rents, fines, and other outgoings and expenses payable to him in respect of such lands, tenements, and hereditaments by the under tenant holding the same directly under him; and for the purpose of ascertaining the said several particulars the said commissioners shall have all such powers and authorities, and shall take all such measures, as are respectively given to and directed to be taken by them for the purpose of ascertaining the several particulars directed to be inquired into by the said act; and every such perpetual rent charge shall be payable by equal half-yearly payments on the first day of *May* and the first day of *November* in each year, and shall be recoverable by all the ways and means used for the recovery of rents in *Ireland*.

Rents charge shall enure to same uses as leasehold interest.

XXXII. Provided always, and be it further enacted, that where any such intervening tenant shall not be absolutely entitled to the leasehold interest under the lease by virtue of which he holds, then and in every such case, notwithstanding the reservation of the said perpetual rent charge to such intervening tenant, his heirs and assigns for ever, the same shall nevertheless enure to such uses, and upon and for such trusts, intents, and purposes, as will best correspond with the uses, trusts, intents, and purposes which for the time being shall be subsisting concerning the said leasehold interest, or would be subsisting concerning the same if such leasehold interest were still in existence, or as near thereto as the difference in the nature of the interests respectively will permit: provided always, that every such perpetual rent charge shall be subject to such or the like provisions for apportionment in the event of a division of the lands, tenements, and hereditaments for the time being subject thereto, or to any part thereof, as are in the said act provided in relation to the new rents to be reserved under the said act, such apportionment to be applied for and ascertained in the manner and subject to the regulations prescribed by the said act, so far as the same are respectively applicable, or as near thereto as circumstances will admit.

Rents charge subject to apportionment in case of division of lands.

Meaning of act as to immediate or mesne tenant acquiring the fee simple.

XXXIII. And for the prevention of doubts as to the consequences of the purchase of the fee simple and inheritance in lands, under the provisions of the said recited act and this act, by any immediate or mesne tenant, be it hereby declared and enacted to be the intent

and meaning of the said act and this act, that any such immediate or mesne tenant shall, notwithstanding his acquisition of the fee simple and inheritance in such lands, and the merger of any previously subsisting term, estate, or interest therein, have all such and the like remedies, by distress, re-entry, action, or otherwise, for the recovery of the rents and duties reserved in any under lease by him theretofore made, which he might or would have had in case he had not so acquired such fee simple and inheritance, and as would have been incident to his reversion in such previously subsisting term, estate, or interest.

XXXIV. And whereas such purchase of the fee simple and inheritance of and in such lands, tenements, and hereditaments by any such under tenant will be beneficial to the first and all other tenants thereof intervening between such archbishop, bishop, or other ecclesiastical corporation sole and the under tenant or under tenants making such purchase; be it therefore enacted, that whenever such under tenant of any lands, tenements, and hereditaments shall have contracted for the purchase of the fee simple and inheritance thereof in manner aforesaid the said commissioners are hereby required to ascertain whether any and what proportion of the purchase money on any such purchase ought to be contributed by such first and other intervening tenants thereof as aforesaid; and when the said commissioners shall have ascertained the proportion or respective proportions of the purchase money to be contributed by such first and other intervening tenants as aforesaid respectively, it shall and may be lawful to and for the under tenant so contracting to purchase as aforesaid, his heirs, executors, or administrators, by notice in writing to be given to such first and other intervening tenant or tenants, or his or their known agent or receiver, agents or receivers, to call upon and require such first and other intervening tenant or tenants to contribute his or their said proportion or respective proportions of such purchase money accordingly; and in case any such first or other intervening tenant shall refuse or neglect to contribute such his proportion of the said purchase money for the space of six calendar months after such notice shall have been given to him or his known agent or receiver, then and in such case the said commissioners shall make a corresponding deduction from the said perpetual rent charge so directed to be reserved to him as aforesaid, such deduction to be equal to six pounds *per centum per annum* on the proportion of the said purchase money which he shall be so required to contribute as aforesaid; and the said commissioners shall cause the amount of every rent charge so reduced to be inserted in or endorsed upon the conveyance of the said lands, tenements, and hereditaments to such under tenant accordingly; and such reduced perpetual rent charge shall thenceforth for ever be payable in lieu of the rent charge hereinbefore directed to be reserved to such intervening tenant respectively, his heirs or assigns, as aforesaid: provided always, that in case any such tenant or lessee shall be dissatisfied with the amount of the rent charge or proportion of the purchase money adjudged payable in manner aforesaid to or by him, the matter shall be referred to three arbitrators, one to be appointed by the tenant to whom the same is adjudged to

Where sub-tenants purchase, superior tenants shall contribute towards purchase money.

Differences to be referred to arbitration.

be payable, and the other by the tenant proposing to purchase as aforesaid, and the third by the two arbitrators so appointed as aforesaid, in manner provided in the said act for the appointment of arbitrators to adjust differences between the said commissioners and tenants or lessees applying for the purchase of perpetuities under that act, and with the like powers and authorities, so far as the same are applicable; and the determination of such arbitrators as to the amount of such rent charge or proportion of such purchase money shall be conclusive and binding upon all persons whomsoever, and the expense of such arbitration shall be borne by such party as the arbitrators shall direct.

Mode of ascertaining and apportioning annual payments to be reserved on purchases;

and on the residue of the lands where the whole are not purchased.

XXXV. And be it further enacted, that in case the lands, tenements, and hereditaments proposed to be purchased by any such first or immediate tenant or by any under tenant respectively, as the case may be, shall be and constitute part only of the lands, tenements, and hereditaments held under lease from any archbishop, bishop, or other ecclesiastical corporation sole, or under any intermediate lease, it shall and may be lawful to and for the said commissioners to ascertain the annual payment which ought according to the provisions of the said act to have been reserved upon the conveyance of the fee simple and inheritance in the whole of the lands held under such archbishop, bishop, or other ecclesiastical corporation sole in *Ireland* by such lease in case the whole of the said lands had been proposed to be purchased, and having ascertained the amount thereof the said ecclesiastical commissioners shall apportion the amount of the annual payment to be reserved to such archbishop, bishop, or other ecclesiastical corporation sole for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said commissioners shall in like manner ascertain the net annual income derived by each of the intervening tenants from the lands, tenements, and hereditaments held by him or them respectively under their respective leases, and shall apportion with reference thereto the amount of the annual rent charge to be reserved to each of such intervening tenants for or in respect of the lands, tenements, and hereditaments so proposed to be purchased; and the said commissioners shall in like manner ascertain and apportion, with reference to the annual rents reserved and made payable under and by virtue of such leases respectively, the annual payments to be thenceforth made to such archbishop, bishop, or other ecclesiastical corporation sole, and to such intervening tenants or tenant respectively, for and in respect of the residue and remainder of the lands, tenements, and hereditaments included in the same leases respectively; and the said commissioners shall convey the fee simple and inheritance of and in the said lands, tenements, and hereditaments so proposed to be purchased to the purchaser thereof, subject only to such annual payment as shall be so apportioned to be reserved in respect of the lands, tenements, and hereditaments so proposed to be purchased, (and in the case of a purchase by an under tenant) to the aforesaid perpetual rent charge or rents charge to the intervening tenant or tenants, and to make all such other apportionments as the circumstances of the case shall in their judgment require; all which apportionments shall be conclusive

and binding on all parties, and the payments so apportioned on the residue and remainder of the lands not purchased shall alone be recoverable in lieu of the whole rents previously reserved by existing leases, and exactly as if such apportioned rents had been the reserved rents for and in respect of such residue and remainder of the lands not purchased.

XXXVI. And be it further enacted, that the provisions herein contained applicable to lands, tenements, and hereditaments held under any archbishop, bishop, or other ecclesiastical corporation sole in *Ireland* shall extend and be applied to all lands, tenements, and hereditaments now held or hereafter to be held under the commissioners in the said act named, by reason of the suppression of the sees therein mentioned; and in all cases in which any purchase shall be made of lands, tenements, and hereditaments held under the said commissioners, being part only of the lands, tenements, and hereditaments included in one lease, the said commissioners shall ascertain what portion of the fine theretofore payable for the renewal of such lease should be paid for or in respect of the lands not included in such purchase, and in case any difference shall arise in regard thereto the same shall be decided by arbitrators in the manner in the said act provided for deciding questions between the commissioners and tenants and lessees applying for the purchase of perpetuities, and the sum so ascertained shall be thenceforth deemed and taken to be the amount of fine payable for renewal of such lands, tenements, and hereditaments; and the said commissioners shall thenceforth from time to time grant renewed leases of such lands, tenements, and hereditaments on payment of the amount so ascertained in manner in the said act provided for the entire lease, subject nevertheless to be varied in such manner and under the circumstances in the said act mentioned: provided that the payments to be reserved to the archbishop, bishop, or other ecclesiastical corporation sole in *Ireland* shall in all cases be deemed prior in order of charge to the rent charges hereby authorized to be granted; and where in any case there shall be more than one rent charge reserved for and in respect of the same lands, by virtue and in pursuance hereof, the said commissioners shall state in the conveyance to be executed upon any such purchase the order and priority of the same charges, which shall be according to the priority of the several tenants at the date of such purchase, and in case at any time thereafter any of the said rents charge shall be in arrear the same shall have priority and be paid in the order so ascertained.

Provisions  
for lands  
held under  
the commis-  
sioners.

Order of pri-  
ority of rent  
charges.

XXXVII. Provided always, and be it enacted, that when and so often as any tenant or sub-tenant shall have purchased the fee and inheritance of part of the lands, tenements, and hereditaments included in any lease from any such archbishop, bishop, or other ecclesiastical corporation sole in *Ireland*, or the said ecclesiastical commissioners, or in any intermediate lease, any lease to be thereafter granted by any such archbishop, bishop, or other ecclesiastical corporation sole, or the said ecclesiastical commissioners, or by any intervening tenant or tenants, as the case may be, of the residue and remainder of the same lands, tenements, and hereditaments, reserving only the proportion of the rent payable for or in respect of

Where sub-  
tenant shall  
purchase  
part of lands,  
lease granted  
of remainder  
to be valid.



such residue and remainder, to be ascertained as aforesaid, shall be as valid in all respects in reference to the lands included in such lease as a lease of the entirety at the entire rent would have been, and in all respects have the same operation, as far as the lands, tenements, and hereditaments comprised therein are concerned, as if a lease of the entirety had been made, and all the statutes applicable to the renewals of the whole lease shall apply to such renewals of the part only; any law, custom, or statute to the contrary in any-wise notwithstanding.

Purchases made under this act not to be impeached by reason of imperfection of notices.

XXXVIII. Provided always, and be it further enacted, that before the execution of any conveyance to any under tenant or under tenants under the provisions of this act, he or they shall prove to the satisfaction of the said ecclesiastical commissioners that the notice or notices required by this act have been duly given; and that after the expiration of one year from the completion of any purchase by any under tenant or under tenants, under the provisions of this act, the same shall not afterwards be impeached or called in question by reason of any such notice or notices not having been given as aforesaid, nor by reason of any imperfection in any such notice or notices.

Purchases made under provisions of recited act to extend to this act.

XXXIX. And be it further enacted, that all the provisions in said recited act contained, in relation to the purchases thereby authorized, and to the consequences thereof, as well with reference to the parties immediately interested, and their rights and liabilities, as to those having derivative and other interests, and their rights and liabilities, in all other respects whatsoever shall, so far as the nature of the case will admit, extend and be applicable to the purchases by this act authorized to be made, and to the consequences thereof.

Church estimates to be prepared and transmitted at such times and calculated for such periods, as the commissioners shall think fit to direct.

XL. And whereas it is by the said recited act amongst other things enacted, that the officiating curate or minister officiating as curate of every parish, union, chapelry, or perpetual curacy in *Ireland*, and the dean and chapter or chapter of every such cathedral and parochial church or cathedral used as a parish church in *Ireland*, shall, on or before the first day of *June* in each and every year succeeding the year one thousand eight hundred and thirty-three, prepare or cause to be prepared such estimate containing such items and particulars as are in the said act mentioned, and that such estimate shall be transmitted by such person or persons whose duty it is to prepare the same to the ordinary of the diocese on or before the first day of *July* in each and every year succeeding the said year one thousand eight hundred and thirty-three; and it is by the said recited act further enacted, that the said ecclesiastical commissioners shall pay or cause to be paid on the first day of *September* in each year, for the maintenance of all and every the person or persons who at the passing of the said act was or were or should thereafter be appointed clerk or clerks of such parish, union, or chapelry, or chapel of ease, as therein mentioned, certain salaries, or to grant certain allowances in the said act mentioned: and whereas it is expedient that the respective periods for preparing and transmitting such estimate and for paying such sums as aforesaid should be left to the discretion of the said ecclesiastical commissioners; be it therefore enacted, that the said estimates shall be prepared and

transmitted at such convenient times, and shall be made and calculated for such period, commencing on such day and ending on such day in each year, as the said ecclesiastical commissioners shall from time to time think fit to direct and signify by writing under their corporate seal to the person or persons whose duty it may be from time to time to prepare and transmit the same; and that such payments on account of salaries or maintenance to clerks heretofore or hereafter to be appointed shall be made at such convenient time in each year as the said commissioners shall appoint and direct; any thing in the said recited act contained to the contrary hereof notwithstanding.

XLI. And whereas it was by the said recited act provided, that all rates or assessments upon any parish, union, chapelry, or place, or the inhabitants thereof, or any of them, for certain purposes in the said act mentioned, and all proceedings for the making, assessing, applotting, or levying the same, should from and after the commencement of the said act wholly cease and determine, and that every rate, assessment, or applotment for any church purpose whatsoever should be and be deemed to be by all courts of justice totally void as to so much thereof as provides for the church purposes, or any of them, in such act mentioned; and it was also by the said act provided, that in all parishes and places where by virtue of any law, statute, or custom provision may have been theretofore made by vestry or other assessment for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of divine worship, or attendant or sexton, such provision by vestry or other assessment should from and after the passing of the said act wholly cease and determine, and future provision for such church and other purposes was made by the said act from and after the commencement thereof: and whereas it is necessary, by reason of the said enactments, that provision should be made for the purposes aforesaid for the period of the year one thousand eight hundred and thirty-three intervening between the commencement of the said act and the *Easter* week next preceding, and also for all such charges and expenses incurred previous to the commencement of the said act as would or ought to have been defrayed by vestry assessment in case the said act had not been made; be it therefore enacted, that so much of the said recited act as disables any vestry called or holden in or for any parish, union, chapelry, or place, or any person or persons, from making, assessing, applotting, or levying any rate or assessment for any of the purposes in the said act mentioned, and so much of the said act as authorizes and requires the said ecclesiastical commissioners to issue and pay the sums required for the several matters and things by such act directed to be included in the estimates to be annually transmitted to the said commissioners, or as authorizes the said commissioners to make provision for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of divine worship, or attendant or sexton, in lieu of any provision by vestry assessment or otherwise theretofore made for such purposes by any law, statute, or custom, shall take effect and be deemed to have taken effect from the commencement of the *Easter* week in the said year one thousand eight hundred and thirty-three,

Ecclesiastical commissioners empowered to provide for the purposes heretofore defrayed by vestry assessment for part of the year 1833.

and that any such rate or assessment made in such week, or at any time after and previous to the commencement of the said act, shall be utterly null and void in so far as respects any of the church purposes in the said act mentioned, but no further; and that supplementary estimates for the said period intervening between *Easter* week in the said year one thousand eight hundred and thirty-three and the commencement of the said act shall with all convenient speed be prepared, certified, and transmitted to the said commissioners in manner and form by the said act prescribed in respect of the annual estimates to be transmitted to the said commissioners.

Upon proof that notice of appeal against rates rendered illegal by 7 G. 4, c. 78, has been given, justices may proceed to hear the same without recognizances having been entered into.

XLII. And whereas it was by the said recited act provided, that certain parts of an act made in the parliament of the united kingdom in the seventh year of his late majesty king *George* the fourth, intituled *an act to consolidate and amend the laws which regulate the levy and application of church rates and parish cesses, and the election of churchwardens, and the maintenance of parish clerks, in Ireland*, should be and the same were thereby repealed, but doubts and difficulties have arisen as to the mode of obtaining relief against such rates and assessments as have been rendered illegal by such repeal, by reason of the cognizances, notices, and other formalities made necessary by the said act of the seventh year of his late majesty king *George* the fourth in order to constitute an effectual appeal against any assessment or applotment under the said last mentioned act, and it is expedient to obviate all such doubts and difficulties, and to facilitate the trial of every such appeal upon the merits: be it therefore enacted, that it shall not be necessary for any person who shall appeal to the justices of the peace at the general or quarter sessions of the peace to enter into any recognizance whatsoever, either by himself or with any security or securities, but that the justices before whom such appeal shall come on to be tried shall, upon proof that a notice in writing of such appeal was given to the incumbent or curate, or to both, or one of the churchwardens and three householders of the parish, chapelry, or union, six clear days at the least before such general or quarter sessions, proceed to hear and determine such appeal upon the merits, and to award costs not exceeding five pounds against either party as to them shall appear just.

Every parishioner to vote at vestries without distinction.

XLIII. And be it further declared and enacted, that at every vestry to be hereafter at any time called or holden in any parish, union, or chapelry, for the purpose of making any cess, rate, assessment, or applotment whatsoever, it shall be lawful for every parishioner, of whatever religious persuasion he may be, who shall be chargeable to such cess, rate, assessment, or applotment in such parish, union, or chapelry, to vote at such vestry respecting every matter or business therein brought forward.

Commissioners enabled to ascertain the amount of existing charges on parishes for purposes for which vestry assessments are now pro-

XLIV. And be it enacted, that it shall be lawful for the said ecclesiastical commissioners to inquire into and ascertain the amount of all such sums as may have been, at or previous to *Easter* week in the said year one thousand eight hundred and thirty-three, charged or chargeable upon any parish, union, or chapelry, for or on account of any balance of account, costs, damages, or expenses due to any churchwarden, or to any clerk or sexton for his maintenance, and

also the amount of any arrears of vestry cess accrued due and not collected for the years one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two with which any churchwarden may have been charged in his account, and which he may have paid and cannot recover, and also the amount of all sums which any churchwarden or person may have paid or for which he may be liable on behalf of any parish, union, or chapelry, for any purpose now executed, and for which a vestry assessment may have been made in the year one thousand eight hundred and thirty-one or one thousand eight hundred and thirty-two or one thousand eight hundred and thirty-three, not exceeding the arrears due upon such assessment; and the said commissioners, having satisfied themselves of the amount of all such sums as aforesaid, shall, in such manner and to such extent, and subject to such regulations as they in their discretion shall think just and necessary, pay the said sums to the persons respectively entitled thereto.

hibited, and  
to pay them  
off.

XLV. And whereas it is necessary, in order to enable the said ecclesiastical commissioners to provide for the purposes heretofore defrayed by vestry assessment according to the provisions of the said recited act and this act, that such commissioners should be empowered to borrow a sum of money by way of mortgage or loan on the credit of the funds accruing to them under the provisions of the said act; be it therefore enacted, that it shall and may be lawful for the commissioners acting under and in execution of an act made in the second and third years of the reign of his present majesty, intituled *an act for the extension and promotion of public works in Ireland*, by and with the consent and approbation of the lords commissioners of his majesty's treasury, to lend and advance to the said ecclesiastical commissioners such sum or sums of money not exceeding in the whole one hundred thousand pounds, as they shall think proper, to be repaid to the said commissioners for the extension and promotion of public works in *Ireland* in such manner and at such times, with interest for the same, at and after such rate, not exceeding four pounds *per centum per annum* on the sum or sums so advanced, as the said commissioners of the treasury shall direct and require; and all sums so lent and advanced shall, with the interest from time to time accruing due thereon, be and the same are hereby charged upon all and every the rents, issues, and profits of all lands, tenements, or hereditaments, and the annual tax and the proceeds thereof, and all and every sum or sums of money, or securities for money, vested in or which shall accrue to the said ecclesiastical commissioners and their successors under and by virtue of the said act, and all interest, dividends, profits, and proceeds thereof; and the said ecclesiastical commissioners are hereby authorized and required to pay such sums of money, and such interest from time to time accruing due thereon, when and as the same shall become due and payable respectively, pursuant to the order and direction of the said commissioners of the treasury, from and out of the produce of the said rents, issues, and profits, and the said tax, and the other funds vested in or accruing to such ecclesiastical commissioners under the said act, prior and in preference to any other application thereof.

Commissioners of public works in Ireland may lend the ecclesiastical commissioners a sum not exceeding £100,000.

The recited act to continue in full force save as altered by this act, and both to be construed together.

Act may be altered.

3 & 4 W. 4, c. 37.

4 & 5 W. 4, c. 90.

Inferior tenants may apply to their immediate landlord, having acquired a perpetuity, for a like conveyance;

such tenant having previously paid or tendered his contribution and arrears of rent and fine.

For ascertaining the yearly rent to be reserved on such conveyances.

XLVI. And be it enacted, that the said recited act of the last session of parliament for altering and amending the laws relating to the temporalities of the church in *Ireland* shall continue in full force and effect, save and except so far as the same is expressly repealed or altered by this present act; and that the said recited act and this act shall be construed together as one act to all intents and purposes whatsoever.

XLVII. And be it further enacted, that this act may be amended, altered, or repealed by any act or acts to be passed in the present session of parliament.

6 & 7 WILLIAM 4, CAP. 99.—*An act to amend two acts passed respectively in the third and fourth and in the fourth and fifth years of his present majesty, for altering and amending the laws relating to the temporalities of the church of Ireland.*—Whereas an act was passed in the third and fourth years of the reign of his present majesty, intituled *an act to alter and amend the laws relating to the temporalities of the church in Ireland*, which act was amended by another act passed in the fourth and fifth years of the reign of his said majesty: and whereas it is expedient to extend, explain, and amend, in certain respects, the provisions of the said acts: be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for any inferior tenant or lessee, holding any lands, tenements, or hereditaments by virtue of any lease or contract containing a *toties quoties* covenant for renewal, and whose next immediate landlord has or shall have acquired a perpetual estate or interest in such lands, tenements, or hereditaments under the provisions of the said recited acts or of this act, to apply to such next immediate landlord for a conveyance of a perpetual estate and interest in such lands, tenements, or hereditaments, which conveyance such next immediate landlord is hereby required to make and execute to such inferior tenant, his heirs and assigns; provided that such tenant shall previously have paid or tendered to such landlord or his known agent such sum or sums of money as shall be payable by such tenant as or for contribution to the purchase money paid or secured by such landlord for the purchase of a perpetual estate or interest in such lands, tenements, or hereditaments, pursuant to the said recited acts and this act, together with all rent, and fines and fees for renewal, and all arrears thereof, then due and payable by such tenant by virtue of such lease or contract.

II. And be it enacted, that the yearly rent to be reserved on every such last mentioned conveyance shall be ascertained in manner following; that is to say, when the fine and fees payable by such inferior tenant upon each renewal of his interest in such lands, tenements, or hereditaments shall be a fixed and ascertained sum, then, in the case of leases or interests renewable every year, the amount of such fine and fees, or, in the case of leases renewable at longer intervals then every year, the annual average amount of such fine and fees computed as by the said first recited act directed for the purposes of that act, shall be added to the yearly rent reserved and made payable by the lease or contract under which such lands,

tenements, or hereditaments are held by such inferior tenant; and when the fine and fees payable by such inferior tenant upon every such renewal as aforesaid shall be a fixed proportion of or dependent upon the renewal fine payable by the immediate superior tenant of said lands, tenements, or hereditaments, then there shall be added to the yearly rent reserved upon such lease or contract a sum of money bearing a like proportion to the average annual amount of the renewal fine so payable by such immediate superior tenant, as the same shall have been ascertained by the ecclesiastical commissioners for *Ireland* pursuant to the said recited act; and such yearly rent reserved upon such lease or contract, together with such sum of money so to be added thereto as aforesaid, shall be the future rent to be reserved on the conveyance of a perpetual estate or interest in such lands, tenements, or hereditaments to such inferior tenant.

III. And be it enacted, that in case of any dispute or difference between such inferior tenant and his next immediate landlord, or in case such landlord shall not execute to such tenant a conveyance of the fee simple and inheritance of and in such lands, tenements, and hereditaments within one calendar month next after the same shall have been duly tendered to him or to his known agent, or in case such next immediate landlord shall be an infant or lunatic, or shall not be resident in the united kingdom of *Great Britain* and *Ireland*, then and in every such case it shall and may be lawful for such inferior tenant to apply to the court of chancery or court of exchequer in *Ireland* by petition setting forth the facts and circumstances of the case; and it shall and may be lawful for such court to hear such petition in a summary manner, and to make such order thereon as such court shall think fit, and to appoint a person to execute such conveyance to such tenant in the name of such landlord, in case such landlord shall reside out of the jurisdiction of such court or shall labour under any legal disability, or in case such court for any other reason shall think it expedient to appoint such person; and every such conveyance so executed shall be valid and effectual to all intents and purposes.

In case of dispute, &c. the tenant may petition the court of chancery or exchequer.

Court may determine in a summary manner, and appoint a person to convey.

IV. And be it enacted, that it shall and may be lawful for every such next immediate landlord, and he is hereby authorized and required, although he shall be tenant for life or for any other limited interest of such lands, tenements, or hereditaments, or although he shall labour under any legal incapacity or disability (except infancy or lunacy), to execute such conveyance to his next inferior tenant, subject to the provisions hereinbefore contained, and every such conveyance shall be valid and effectual to all intents and purposes.

Tenants for life, &c. (except infants and lunatics) may convey.

V. And be it enacted, that in case any portion of the yearly rent reserved on such conveyance of any lands, tenements, or hereditaments, shall be a proportion of or dependent upon the average annual amount, as ascertained by the said ecclesiastical commissioners, of the renewal fine payable by the first and immediate tenant of such lands, tenements, or hereditaments, then and in every such case such yearly rent shall be subject to variation in like manner and at such times as the rents reserved upon the immediate conveyance of any lands, tenements, or hereditaments by the said ecclesiastical commissioners, or by the archbishop, bishop, or other

Rent reserved on such conveyance to be subject to variation in certain cases.

sole ecclesiastical corporation under whom the said lands, tenements, or hereditaments are held; and all the provisions in the said recited acts contained relative to the variation of such last mentioned rents shall be applicable to rents reserved on conveyances to be made under the provisions of this act, so far as the nature and circumstances of each case will admit.

VI. And whereas certain portions of the lands belonging to the sees of *Armagh* and *Clogher* have been or may be conveyed to the *Ulster* canal company under or by virtue of an act of parliament made and passed in the eighth\* year of the reign of his late majesty *George* the fourth, intituled *an act for making and maintaining a navigable canal from Lough Erne in the county of Fermanagh to the river Blackwater near the village of Charlemont in the county of Armagh*; and of a certain other act of parliament made and passed in the ninth year of the reign of his late majesty *George* the fourth, intituled *an act to amend an act for making and maintaining a navigable canal from Lough Erne in the county of Fermanagh to the river Blackwater near the village of Charlemont in the county of Armagh*; and of a certain other act of parliament made and passed in the tenth year of the reign of his late majesty *George* the fourth, intituled *an act to explain the acts for making the Ulster canal in the counties of Fermanagh and Armagh*; and of a certain other act of parliament made and passed in the first and second years of the reign of his present majesty king *William* the fourth, intituled *an act to amend the several acts for making and maintaining the Ulster canal in the counties of Fermanagh and Armagh*; and of a certain other act of parliament made and passed in the present session of parliament, intituled *an act to amend and enlarge the powers and provisions of the several acts for making and maintaining the Ulster canal in the counties of Fermanagh, Monaghan, and Armagh in Ireland*; for which compensation has been already awarded or is provided by said acts to be awarded to the said sees of *Armagh* and *Clogher*; be it enacted, that the ecclesiastical commissioners, or the arbitrators, as the case may be, are hereby authorized and required to make such abatement in the reserved rents hereafter to be charged in the perpetuity sought to be acquired, or in the rent and renewal fine of any lease sought to be renewed, as to them may appear reasonable and just in proportion to the value of the lands so conveyed or which may hereafter be so conveyed to said *Ulster* canal company as aforesaid.

VII. And be it enacted, that every such next immediate landlord shall and may have all such and the like remedies for the recovery of the rent reserved upon any such conveyance to his inferior tenant or tenants as any landlord or lessor now has, or may, can, or shall have by virtue of any law now or hereafter to be in force in *Ireland* for the recovery of rent payable under a demise by which a reversion is reserved to or remains in such landlord or lessor; and every person who shall have acquired the fee simple or inheritance in any lands, tenements, or hereditaments pursuant to the provisions of this act shall and may have all such and the like remedies against his under tenants as in and by the said recited acts are provided in cases of persons who shall have acquired the fee simple and inheritance of

6 G. 4, c. 193.  
\* Sic.

9 G. 4, c. 96.

10 G. 4, c. 109.

1 & 2 W. 4,  
c. 36.

6 W. 4, c. 72.

Ecclesiastical commissioners or arbitrators to make abatement in the reserved rents and renewal fines of certain leases.

Reservation of remedies for recovery of rent.

any lands, tenements, or hereditaments under the provisions of the said recited acts.

VIII. Provided always, and be it enacted, that nothing herein contained shall extend or be construed to alter or affect the provisions of the said recited acts with respect to renewals to be made to inferior tenants holding under leases or contracts containing *toties quoties* covenants for renewal in the case of any such inferior tenant who shall not apply to his next immediate landlord, pursuant to the provisions of this act, for a conveyance of the fee simple and inheritance of and in the lands, tenements, or hereditaments held by him under such next immediate landlord.

Saving of provisions of recited acts as to under tenants who shall not apply for perpetuities.

IX. And be it enacted, that it shall and may be lawful for the said ecclesiastical commissioners, if they shall so think fit, at any time after application shall have been made to them for the purchase of the fee simple and inheritance of and in any lands, tenements, or hereditaments pursuant to the said recited acts or this act, to cause such certificate of the terms of such purchase, and of the amount of purchase money to be paid on the completion of such purchase, and of the annual rent to be reserved and made payable in and by the deed or deeds of conveyance, as by the said recited acts they are directed to grant to the applicant when so required, to be without any request on his part delivered to him, together with a notice in writing to be annexed to such certificate requiring such applicant to complete such purchase, pursuant to the said recited acts, within such time as shall be specified in such notice, not being less than six calendar months from the service thereof; and the said ecclesiastical commissioners may, if they shall so think fit, cause such certificate and notice to be transmitted to such applicant by post, addressed to him at his usual place of residence, or to his known agent or receiver at the usual place of residence of such agent or receiver, and for the purposes of this act such transmission by the post to such applicant, or his known agent or receiver, shall be deemed good and sufficient service of such certificate and notice; and if such applicant shall neglect or refuse to complete such purchase within six calendar months after the service of such certificate and notice, or within such further period as shall be specified in such notice, then and in every such case such applicant shall be deemed to have renounced such purchase, and his right of preference thereto; and the said commissioners shall deduct from the sum deposited or secured, pursuant to the said recited acts, by such person so neglecting or refusing as aforesaid to complete such purchase, such sum or sums of money as the said ecclesiastical commissioners shall find necessary to defray the expenses which they may have incurred in ascertaining the terms of such purchase upon his said application: provided always, that nothing herein contained shall have the operation or effect of interfering with the right or depriving any tenant of the power of calling for and obtaining an arbitration as provided by the said recited acts in case he shall be dissatisfied with the terms of purchase declared by the said commissioners; and that in the event of such an arbitration being called for and proceeded with by the tenant the said notice in writing attached to the certificate hereinbefore mentioned shall be set aside,

Commissioners may give certificates of terms of purchase, and call on tenants by notice to complete their purchases.

Service of notice.

In case of failure to complete the purchase, the applicant shall be deemed to have renounced his right thereto.

Reserving to tenant the right to call for an arbitration.



and a new notice of like form shall be served on the tenant by the said commissioners at any time after the award of the arbitrators who may be chosen shall be declared.

Deeds shall be enrolled by depositing transcripts in the rolls office.

Transcripts to be arranged in books.

Transcripts and certificates not liable to duty.

Fee on enrolment.

Searches in enrolment books may be made on payment of a fee of 2s. 6d.

Commissioners to defray expenses of transcript and enrolment.

If tenants purchase lands held by two or more leases, a mortgage may be accepted of the lands held by one of them.

Forms of conveyances, mortgages,

X. And be it enacted, that in every case in which any deed has been or shall hereafter be executed, which by the provisions of the said recited acts is required to be enrolled, the said ecclesiastical commissioners shall cause a transcript of such deed, certified under their seal, to be made upon parchment, and deposited in the hands of the deputy keeper of the rolls or other proper officer of the rolls office of the high court of chancery in *Ireland*, who upon receipt thereof shall, without any fiat or other order, cause the same to be preserved in the said rolls office, and such transcripts shall be conveniently arranged in books for the purpose of reference and examination; and every such transcript so deposited shall be and be deemed and taken to be an enrolment of such deed to all intents and purposes whatsoever: provided always, that neither such transcript for enrolment, nor any certificate required by the said recited acts, or either of them, to be given or enrolled, shall be liable to any stamp duty whatsoever; and that no fee shall be demanded or paid for the enrolment of any certificate required by law to be annexed to the enrolment of any such deed as aforesaid, in addition to the fee of two shillings and sixpence payable on enrolment of such deed, pursuant to the said first recited act.

XI. And be it enacted, that it shall and may be lawful for any person whatever to make searches in such enrolment books for the enrolment or enrolments of any deed or deeds which he shall have occasion to examine, and every person making any such search shall pay for the same (including the liberty of taking notes or making extracts from any enrolment or enrolments) a fee of two shillings and sixpence, and no more, for such day on which he shall make any such search.

XII. And be it enacted, that so much of the said first recited act as provides that any archbishop, bishop, or person, other than the said ecclesiastical commissioners, shall cause any such deed or deeds to be enrolled, shall be and the same is hereby repealed; and that the said ecclesiastical commissioners shall defray the costs and expenses of making such transcript for enrolment, and of enrolling the same in manner aforesaid, out of the purchase money paid for the purchase of the fee simple and inheritance of and in the lands, tenements, or premises comprised in such transcript.

XIII. And be it enacted, that if any tenant or under tenant shall be the purchaser of any lands, tenements, or hereditaments held under or by virtue of two or more leases, it shall be lawful for the said ecclesiastical commissioners, if in their discretion they shall so think proper, to accept of a mortgage on the lands comprised in any one or more of such leases for the purchase money of the whole, provided that the yearly value of the portion or portions of such lands so proposed to be mortgaged, clear of all rents, charges, and outgoing whatsoever, shall be at least three times the amount of the yearly interest payable in respect of such mortgage.

XIV. And be it enacted, that the said ecclesiastical commissioners shall, with all convenient speed, cause proper forms of the

conveyances, mortgages, leases, and other documents required for the purposes of the said acts and this act to be prepared, and such forms shall be authenticated by the corporate seal of the said commissioners, and deposited in their office, there to be kept and preserved, and such forms may be used for the purposes aforesaid, subject to such exception or variation as from time to time or in any particular case the said ecclesiastical commissioners may find necessary or convenient; and such forms so authenticated, or such amended forms in like manner authenticated, as the said commissioners shall from time to time cause to be prepared, shall be alike good and effectual as if the same were inserted in this act; and copies of all such forms shall be printed under the directions of the said commissioners, and given to any person demanding the same on payment of the reasonable expense of providing the same.

XV. And be it enacted, that the said ecclesiastical commissioners shall cause all such monies as may hereafter accrue to their credit in the perpetuity purchase fund account mentioned in the said last recited act to be invested from time to time in such public securities as the said ecclesiastical commissioners shall think fit; and the said ecclesiastical commissioners shall have power to sell and dispose of the same as occasion shall arise, and apply the proceeds thereof, and the dividends and interest arising therefrom, to the purposes authorized and directed by the said last recited act.

XVI. And be it enacted, that it shall and may be lawful for the said ecclesiastical commissioners, in any demise or lease to be made by them, pursuant to the said first recited act, of the see house, offices, and mensal or demesne lands of or belonging to any archbishopric or bishopric, to cause to be inserted, instead of such clause or covenant against assigning or subletting, as by the said act is required, a clause or covenant making void such demise or lease in case the premises thereby demised, or any part thereof, shall be sublet or assigned without the previous consent of the said ecclesiastical commissioners testified in writing under their common seal; which consent the said ecclesiastical commissioners are hereby authorized and empowered, if they shall so think fit, to give, upon such terms and subject to such restrictions or conditions as they shall deem expedient: provided always, that such consent shall not be construed to authorize or empower any person deriving under the person to whom the said ecclesiastical commissioners shall have given such consent as aforesaid to assign or sublet the premises so demised or leased by the said commissioners, or any part thereof.

XVII. And be it enacted, that it shall and may be lawful for the lessee named in any lease or demise heretofore made by the said ecclesiastical commissioners of any such see house, offices, mensal or demesne lands, or for the heirs, executors, administrators, or assigns of such lessee, by and with the consent, testified in writing under their common seal, of the said commissioners, and subject to such terms, conditions, and restrictions as shall be expressed therein, to assign or sublet such see house, offices, and lands, or such part or parts thereof as shall be specified in such consent; and that no such lease or demise shall be or become void or voidable by reason of

&c. to be prepared by the commissioners.

Ecclesiastical commissioners shall invest the monies arising in the perpetuity fund account

In leases of see houses, &c. covenants not to sublet, except with consent of commissioners, may be inserted, instead of absolute covenants against subletting.

Lessees of see houses, &c. under leases already made may sublet with consent of commissioners.

such assigning or subletting with such consent as aforesaid, any thing in such demise or in the said recited act contained to the contrary hereof notwithstanding.

Ecclesiastical commissioners may make leases and renewals of lands belonging to suspended dignities or benefices pending suspension.

XVIII. And be it enacted, that whensoever, under the provisions of the said acts or this act, the appointment, presentation, or collation to any dignity, office, rectory, or benefice has been or shall be suspended, the said ecclesiastical commissioners shall, for and during such period as such dignity, office, rectory, or benefice shall remain vacant, have, and at their discretion exercise, by and in their own name and right, all such powers of leasing and demising any lands or premises whatsoever belonging or appertaining or appropriated to or usually enjoyed with such dignity, office, rectory, or benefice as, in case no suspension had taken place, any person filling the same might have had or exercised; and it shall be lawful for the said commissioners, in the case of lands or premises demised by leases customarily renewed from time to time, to accept surrenders of such leases, and to make new leases or renewals of the same respectively, in like manner to all intents and purposes as the said commissioners are authorized and required to do in respect of any lands or premises, at any time belonging to any bishopric, and which may have been transferred to and vested in them by virtue of the said acts; and that it shall be lawful for the respective tenants, lessees, or under tenants of any such lands or premises, during the suspension of such appointment, presentation, or collation as aforesaid, to apply to the said commissioners for the purchase of a perpetual estate and interest of and in any such lands or premises, in like manner as such tenants, lessees, or under tenants respectively could or might have done, by virtue of the said recited acts or this act, in case the appointment, collation, or presentation to such dignity, office, rectory, or benefice had not been so suspended; and in case of any such application all such and the like proceedings shall be had as by the said acts prescribed in the case of any application for the purchase of the fee simple and inheritance of and in any lands or premises at any time belonging to any bishopric, and which may have been transferred to and vested in the said commissioners by virtue of the said acts.

Tenants of such lands may purchase perpetuities pending suspension.

In case of removal of suspension, all leases theretofore made to be valid, and the rents reserved thereon payable to the persons subsequently appointed and their successors.

XIX. And be it enacted, that in case of the removal of any such suspension as aforesaid, all leases, demises, renewals, or conveyances theretofore made as aforesaid by the said ecclesiastical commissioners shall be and remain valid and binding to all intents and purposes whatsoever: provided that in the case of the removal of such suspension, all rent, covenants, and reservations made payable by or contained in such lease, demise, renewal, or conveyance shall, from and after the time when such dignity, office, rectory, or benefice shall have been filled, become and be payable to and enure for the benefit of the person appointed, collated, or presented to such dignity, office, rectory, or benefice, and his successors, who shall have all such and the like remedies for enforcing payment or performance of such rent, covenants, and reservations, as if the same had been expressly made payable to or reserved or covenanted with or by the person filling such dignity, office, rectory, or benefice, and his successors.

XX. And whereas it is expedient to make more effectual provision for enforcing payment of stipends or salaries for the maintenance of officiating clergymen in parishes whereof the tithes are appropriate or inappropriate, and the owners thereof are bound to maintain such clergymen: and whereas by the said recited act of the third and fourth years of his present majesty's reign it was provided, that in any case where the owners of impropriations or inappropriate tithes are by law bound, but refuse or neglect, to repair the chancel of any church, or to maintain an officiating minister, it should be lawful for the said ecclesiastical commissioners, or for the archbishop or bishop of the diocese, to present a petition to the court of chancery or exchequer in *Ireland*, praying relief, and such courts were authorized and required to hear such petition in a summary way, and to make such order therein as should appear just: and whereas it is expedient to extend the said recited provisions of the said act; be it therefore enacted, that the same shall be deemed and taken to extend and shall extend to cases where the owners of appropriations or appropriate tithes are by law bound, but refuse or neglect, to repair the chancel of any church or to maintain an officiating minister, in like manner and as fully to all intents and purposes as to cases where the owners of impropriations or inappropriate tithes are so bound and so refuse or neglect to repair the chancel of any church or to maintain an officiating minister.

The remedy granted by 3 & 4 W. 4, c. 37, against impropriators refusing to repair chancels or maintain officiating clergymen, extended to case of refusals by appropriators.

XXI. And be it enacted, that in any case in which any petition shall be presented pursuant to the said recited act or this act for the repair of any chancel, or for recovery of any stipend or salary of an officiating minister, or any arrears thereof, the certificate of the archbishop or bishop of the diocese in which the church or parish is situate, that such chancel has been repaired or such salary usually paid to the officiating minister of such parish, or that such chancel has at any time been agreed to be repaired or such salary to be paid by the owner or owners of the impropriation or appropriation or appropriate or inappropriate tithes, as the case may be, of such parish, shall be *prima facie* evidence of the liability of such owner or owners to pay such stipend or salary or repair such chancel, as the case may be; and every such stipend or salary shall be a charge upon such appropriate or inappropriate tithes, paramount to all other charges whatsoever.

What is to be deemed evidence of liability to pay stipend or repair chancels.

XXII. And be it enacted, that it shall and may be lawful for the court to which any such petition shall be presented to appoint a receiver over any such appropriate or inappropriate tithes for payment of any such repairs, stipend, or salary, or arrears thereof, or to direct that any receiver already appointed over such tithes shall pay such repairs, stipend, or salary to the person entitled to receive the same, in preference and priority to all other charges whatsoever.

Court may appoint receiver.

XXIII. And be it enacted, that whensoever the impropriator or appropriator or owner of the appropriate or inappropriate tithes of any parish, not having a vicar or curate endowed, shall not maintain an officiating minister in such parish, or shall not have agreed to pay a stipend or salary for or towards the maintenance of such officiating minister, being by law bound to maintain such minister, then and in every such case it shall and may be lawful for the archbishop or

How commissioners shall proceed if impropriator or appropriator in any parish not having a vicar or curate endowed

shall not contribute to the maintenance of an officiating minister.

bishop of the diocese in which such parish is situate to certify to the ecclesiastical commissioners that there is no vicar endowed, nor any stipend paid to any curate, or other provision made by such appropriator or impropiator for the discharge of the spiritual duties of such parish, and that it is fit and proper that an officiating minister should be maintained within the same; and thereupon the said ecclesiastical commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable stipend to be paid by the impropiator or appropriator or owner of the appropriate or impropriate tithes of such parish, having regard to the annual value of such impropriate tithes, and to the extent of the duty to be performed in such parish; and the said ecclesiastical commissioners shall cause to be lodged in the registry of the diocese in which such parish shall be situate a certificate under their seal of the amount of the stipend so ascertained, and shall also transmit to the owner, or, if more than one, to each of the owners of the impropriate or appropriate tithes of such parish a copy of the said certificate.

Stipend shall be a paramount charge on the impropriate tithes, and shall be payable from the lodging of the certificate.

XXIV. And be it enacted, that the amount of the stipend so fixed and ascertained as aforesaid shall be a charge on the impropriate tithes of such parish paramount to all other charges whatsoever, and shall, from and immediately after the lodging of such certificate in the registry of the diocese, be paid and payable to the officiating clergyman of such parish for the time being by equal half-yearly payments; and such officiating clergyman shall be nominated and appointed from time to time in such manner and subject to such provisions and regulations as the curate of any curacy augmented by the trustees and commissioners of first fruits pursuant to any statutes heretofore in force in *Ireland*: provided always, that the amount of the salary so to be fixed and ascertained by the said ecclesiastical commissioners shall not exceed ten pounds for every hundred pounds of the annual value of the impropriate or appropriate tithes of such parish, as the same shall have been ascertained by the certificate of the commissioners appointed to carry into effect the composition for tithes in the said parish.

Proviso as to amount.

Property of minor canons and vicars choral vested in the ecclesiastical commissioners subject to existing interests, and for the maintenance of such members of such corporations as have duties to perform.

XXV. And whereas it appears by the report of certain commissioners constituted and appointed by his majesty for inquiring into ecclesiastical revenues and patronage in *Ireland*, bearing date the fifteenth day of *April* one thousand eight hundred and thirty-four, that there are in certain cathedral churches divers subordinate corporations known by various names, and that some of such corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them; be it therefore enacted, that the right, title, and interest in and to all lands, tithes, rents, profits, and other emoluments heretofore held and enjoyed by the vicars choral of the cathedral church of *Saint Patrick's, Cashel*, or by any corporation of or belonging to any cathedral church in *Ireland*, known by the names of minor or petty canons, vicars choral, vicars choral and organists, prebendaries and vicars, or vicars and choirmen, or by any other name,

and whether sole or aggregate, who shall not discharge any duty, or shall not discharge duties commensurate with the extent of their emoluments, shall, in the case of the said vicars choral of the cathedral church of *Saint Patrick's, Cashel*, from and after the passing of this act, and in the case of each and every such other corporation as aforesaid whensoever the lord lieutenant in council shall on the recommendation of the said ecclesiastical commissioners think fit so to direct, vest in the said ecclesiastical commissioners, subject nevertheless to all valid leases, charges, and incumbrances now affecting the same, and that the rents, issues, and profits thereof shall be by the said ecclesiastical commissioners applied during the lives of the present members of such corporations respectively to their use, in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of the respective members of such corporations adequate provision be made out of such rents, issues, and profits for the due maintenance of such and so many of his or their successors as may in the judgment of the said commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such corporations respectively, in cases where such provision is not made from other sources; and that the surplus of such rents, issues, and profits from time to time accruing to the said ecclesiastical commissioners shall be carried to the general fund under the administration of the said commissioners, who shall have all and every the like powers of leasing and demising the lands and tithes so vesting in them as such corporations may now respectively have, and be in all respects subject to such and the like restrictions and conditions.

XXVI. And whereas by the hereinbefore recited act passed in the fourth and fifth years of his majesty's reign the lord lieutenant or other chief governor or governors of *Ireland*, and his majesty's privy council there, are empowered, on the recommendation of the said ecclesiastical commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an archbishopric or bishopric, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such lord lieutenant and council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant all and every the tithes, glebes, lands, rents, profits, and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits, and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said ecclesiastical commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said act; and whereas doubts have arisen whether the provisions of the said act apply to the case of the precentorship of the church of the *Holy and Undivided Trinity*, otherwise called *Christ Church*, in *Dublin*, now vacant, by reason of the cure of souls in certain parishes belonging in contemplation of law to the said precentor, although in fact such cure has not been served by the occupant of such

For removing doubts as to the provisions of the recited act respecting the precentorship of Christ Church, Dublin.

dignity, nor by any resident curate employed at a sufficient stipend : and whereas it is expedient to remove such doubts, and also further to explain the said act ; be it therefore enacted, that the hereinbefore recited provisions of the said act shall be taken to extend to the said precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not for three years next preceding the first day of *January* last have continuously served the cure of souls in such parish or parishes, either personally or by a curate licensed thereto, or in case the appointment, presentation, or collation of any clerk to such parish or parishes shall have been suspended or hereafter shall be suspended under and by virtue of the said recited act of the third and fourth years of his present majesty's reign ; and also that the said provisions of the said act shall be taken to extend to all such offices of or belonging to cathedral churches as in the said act mentioned, although the same may not be ecclesiastical offices nor held by ecclesiastical persons, and also to all cases where tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where lands only, or land as well as tithes, may have been so held and enjoyed or appropriated, or where the same may be under lease : provided always, that if it shall appear to the said ecclesiastical commissioners that there are any curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such curates are insufficient, then and in such case it shall be lawful for the said ecclesiastical commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such curate, not exceeding one hundred pounds *per annum*, as they may think necessary with regard to the duties to be by him discharged.

Proviso.

Provisions of recited acts explained in respect of tithes, &c. disappropriated from dignities, &c.

XXVII. And whereas by the said recited act of the third and fourth years of his present majesty's reign, as the same is amended by the said act of the fourth and fifth years of his majesty's reign, authority is given to the said lord lieutenant or other chief governor or governors and council, on the next avoidance of any archbishopric, bishopric, deanery, archdeanery, dignity, prebend, or canonry, or with the consent of the incumbent thereof, to disappropriate, disunite, and divest from and out of the same any rectory, vicarage, tithes or portion of tithes, and glebes or part or parts thereof, and to unite any such rectory, vicarage, tithes or portion of tithes, or glebes or part thereof, to the vicarages or perpetual or other curacies of such parishes respectively, or to any adjoining or neighbouring rectory, vicarage, or curacy, or to erect the same into a distinct parish or benefice : and whereas difficulties have arisen in carrying the provisions of the said acts into effect by reason of the existence of leases of tithes or portions of tithes and lands, sometimes included in one and the same demise, and sometimes situate in or arising out of several parishes, and doubts having arisen whether the said provisions extend to mensal or demesne lands ; for remedy whereof be it enacted, that the said provisions shall be

deemed and taken to extend to and comprise all and every tithes or portions of tithes, whether under lease or otherwise, and all lands, mensal, demesne, or otherwise, belonging or appertaining or anywise held or enjoyed in right of any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, whether such tithes or lands shall arise out of or be situate in one or more parishes.

XXVIII. And be it enacted, that in any case where the said lord lieutenant or other chief governor or governors and council shall think fit, in the exercise of the powers conferred upon them by the said acts and this act, to disappropriate, disunite, and divest from and out of any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, any rectory, vicarage, tithes or portion of tithes, or lands, or part or parts thereof, which by reason of the existence of any such leases as aforesaid, or for any other reason, cannot be conveniently appropriated or united to any adjoining or neighbouring rectory, vicarage, or curacy, or in case such rectories, vicarages, or curacies may be already sufficiently endowed, it shall be lawful for the said lord lieutenant or other chief governor or governors and council to order that such rectory, vicarage, tithes or portion of tithes, or lands or part or parts thereof, so disappropriated, disunited, and divested as aforesaid, shall be transferred to the said ecclesiastical commissioners; and the right and interest in and to the same, and all arrears thereof, shall thereupon vest in the said ecclesiastical commissioners, and be by them carried to the general fund under their administration, but charged with and subject nevertheless to the payment of such annual or periodical sum or sums of money, if any, as the said lord lieutenant or other chief governor or governors and council shall think fit to direct to be paid to any rector, vicar, or curate, their or his successors, whose rectory, vicarage, or curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the provisions of the said acts, any such disappropriated rectory, vicarage, tithes or portions of tithes, or lands, might have been appropriated and united.

In case disappropriated lands, &c. cannot be conveniently united to a neighbouring vicarage or curacy, or that such vicarage or curacy is already sufficiently endowed, the lands, &c. disappropriated shall be transferred to the ecclesiastical commissioners, and be by them carried to the general fund

XXIX. And be it enacted, that the said ecclesiastical commissioners shall have all such and the like powers of making or renewing leases, or of conveying a perpetual estate or interest of and in any lands or premises which may become vested in them by virtue of any such disappropriation order as aforesaid, as hereinbefore conferred upon them in respect of any lands or premises which may become vested in them by virtue of any such suspension order as hereinbefore mentioned; and all and every the provisions hereinbefore contained in respect of such lands or premises as may be vested in the said commissioners by any such suspension order, and the making leases and renewals and conveyances thereof, shall apply and extend to lands or premises vested in them by any such disappropriation order, and the making leases, renewals, and conveyances thereof.

Commissioners shall have like power of making leases, &c. in disappropriated lands, &c. as in those belonging to suspended dignities.

XXX. Whereas by reason of the insufficiency of the endowment of the vicarages in several parishes the rectorial tithes whereof are appropriated to archbishoprics, bishoprics, and other ecclesiastical dignities, prebends, and canonries in *Ireland*, by reason whereof it

Ecclesiastical commissioners not to grant a perpetual estate to any



tenant now holding by lease any tithes appropriated to certain ecclesiastical dignities.

has become necessary from time to time to unite two or more of such vicarages into one benefice, to the disadvantage of the spiritual interests and concerns of such vicarages respectively; be it therefore enacted, that from and after the passing of this act it shall not be lawful for the said ecclesiastical commissioners acting in pursuance of the provisions of said recited acts, in the name and on the behalf of any archbishop, bishop, dignitary, prebendary, or canon, to grant a perpetual estate or interest to any tenant now holding or who may hereafter hold any tithes or compositions for tithes appropriated to such archbishoprics, bishoprics, dignities, prebends, or canonries, under or by virtue of any lease or contract.

After the next avoidance of any such dignity, the commissioners may declare that the lease shall not be renewed;

XXXI. And be it further enacted, that at any time from and after the next avoidance of any archbishopric, bishopric, dignity, prebend, or canonry as aforesaid, in which it may be deemed expedient so to do, it shall and may be lawful for the said ecclesiastical commissioners, in case any tithes or compositions for tithes shall be disappropriated therefrom, by instrument under their common seal to declare that the lease or contract by which such tithes or compositions for tithes are now or hereafter may be held shall not be renewed; and in order to prevent any loss or damage to the tenant or tenants now holding or who may hereafter hold such tithes or compositions for tithes by virtue of such lease or contract, by reason of the same not being capable of being renewed as heretofore, it shall and may be lawful for the said commissioners, upon the application of any such tenant or tenants declaring his or their readiness to accept the value in money of his or their estate or interest in such lease or contract as if the same were still capable of renewal, to estimate and compute the value thereof accordingly; and in case such tenant or tenants shall think fit to accept the same, he or they shall thereupon convey his estate and interest in such lease or contract to the said ecclesiastical commissioners, and such tithes or compositions for tithes shall thereupon be freed and discharged from all debts, liabilities, and incumbrances of such tenant or tenants, or of any person or persons deriving under him, her, or them, or of any person or persons under whom he, she, or they may derive: provided nevertheless, that the purchase money for such estate and interest shall become subject and liable to all such and the like engagements, liabilities, uses, trusts, intents, and purposes as may affect the estate or interest of such tenant or tenants in the lease or contract of said tithes or compositions for tithes, and shall be paid to such tenant or tenants on his making out title thereunto; and if he, she, or they shall not make out a sufficient title thereto such purchase money shall be paid into the bank of *Ireland* to the credit of the accountant general of the court of chancery in *Ireland*, and to the credit of the matter, upon an order for that purpose to be obtained upon petition in a summary way, and shall be disposed of by such court by order in like manner to be obtained, as may be just.

and, upon application of the tenant to accept the value in money, may estimate the value thereof

Proviso.

After conveyance, the interest of such tenant to vest in the commissioners.

XXXII. And be it further enacted, that from and after the conveyance of the estate or interest of every such tenant or tenants in and to such tithes or compositions for tithes to the said ecclesiastical commissioners as aforesaid, the same shall be and remain for

ever vested in the said ecclesiastical commissioners, and be by them applied, as and when the same shall be received, in the first instance in liquidation and discharge of the purchase money and expenses incurred by them in the purchase thereof, with legal interest, until the same shall be fully and entirely paid off, and from thenceforward in the augmentation of small benefices under the provisions of the said recited acts.

XXXIII. And whereas, by and under the provisions of the said recited act of the third and fourth years of his present majesty's reign, the bishopric of *Cork and Ross* has become united to the bishopric of *Cloyne*, and doctor *Samuel Kyle*, being at the time of the passing of the said act, and at the time when the said bishoprics became united as aforesaid, bishop of *Cork and Ross*, has become and now is bishop of the said united bishoprics of *Cork and Ross* and *Cloyne*: and whereas upon such union as aforesaid all and singular the lands, tenements, and hereditaments, with all and singular the tithes, rents, and emoluments appertaining or belonging to the said bishopric of *Cork and Ross*, were by virtue of the said act transferred to and vested in the said ecclesiastical commissioners, saving and excepting the see house and offices and mensal and demesne lands to the said bishopric of *Cork and Ross* belonging, which became thereafter by the said act the see house and offices and mensal or demesne lands of the said united bishoprics of *Cork and Ross* and *Cloyne*, and the said doctor *Samuel Kyle* became possessed of and entitled to the revenues of the said bishopric of *Cloyne*, saving and excepting to the see house and mensal or demesne lands thereunto belonging, which the said ecclesiastical commissioners were authorized to let or demise for such rent or fine as they should think fit: and whereas the said ecclesiastical commissioners are authorized and required by the said act, out of the revenues of the said bishopric of *Cork and Ross* so vested in them as aforesaid, to make good to the said doctor *Samuel Kyle* the sum or sums of money, if any, whereby the revenues of the said bishopric of *Cloyne* shall fall short of the revenues of the said bishopric of *Cork and Ross*: and whereas the revenues of the said respective bishoprics, being in great measure dependent on fines paid on the renewal of leases, are liable to uncertainty and variation, and an annual valuation of the said several bishoprics would be troublesome and inconvenient: and whereas it has been found, upon a comparison of the relative average value of the said several bishoprics, that the revenues of the said bishopric of *Cloyne* fall short of the revenues of the said bishopric of *Cork and Ross* by the annual sum of one thousand five hundred pounds, or thereabouts, and the said doctor *Samuel Kyle* consents to receive such annual sum of one thousand five hundred pounds in full acquittance and discharge of the payment which the said ecclesiastical commissioners ought to make to him under the provisions of the said act; be it therefore enacted, that the said annual sum of one thousand five hundred pounds shall be deemed and taken to be the sum whereby the revenues of the said bishopric of *Cloyne* fall short of the revenues of the said bishopric of *Cork and Ross*, and that the said ecclesiastical commissioners shall pay to the said doctor *Samuel Kyle*, in each and every year during his incumbency of the

An annual sum of £1,500 to be paid to Dr. Kyle, bishop of *Cork and Ross* and *Cloyne*, in order to make his present revenue equal to that he had before the union of the sees.

said united bishoprics of *Cork* and *Ross* and *Cloyne*, the said annual sum of one thousand five hundred pounds, commencing from the fourteenth day of *September* one thousand eight hundred and thirty-five, and that the first payment thereof shall be made on the fourteenth day of *September* in this current year one thousand eight hundred and thirty-six, by one entire payment, and that the future payments thereof shall be made by equal moieties, one moiety on the fourteenth day of *March*, and the other moiety on the fourteenth day of *September*, in each and every succeeding year during the incumbency of the said doctor *Samuel Kyle* in the said united bishoprics: provided always, that the said annual payment shall be apportioned so and in such manner that on the demise or translation of the said doctor *Samuel Kyle*, or other determination of his said incumbency, the said ecclesiastical commissioners shall pay to him, or his executors, administrators, or assigns, a proportion of such annual sum according to the time which shall have elapsed from the commencement or last period of payment thereof respectively (as the case may be), including the day of the demise or translation of the said doctor *Samuel Kyle*, or other determination of his said incumbency in the said united bishoprics: provided also, that the income of the present bishop of *Cork* and *Ross* and *Cloyne* during his incumbency be free from the tax chargeable under the provisions of the said recited act of the third and fourth years of the reign of his present majesty.

Provision of  
4 & 5 W. 4,  
c. 90, relating  
to costs  
of solicitor  
explained.

XXXIV. And whereas it is provided by the said act of the fourth and fifth years of the reign of his present majesty that no sum shall be paid by the said ecclesiastical commissioners to any attorney or solicitor as and for costs, charges, or expenses, unless the amount of such payment shall first have been approved of by the lords of the treasury, and that no sum exceeding one thousand pounds shall be allowed in any one year by the lords of the treasury as and for the costs, charges, or expenses of any such attorney or solicitor, and that before any such sum shall be allowed by the said lords commissioners of the treasury on such account as aforesaid the particulars of all such costs and expenses shall be laid before them: and whereas it is necessary to explain the said hereinbefore recited provision; be it therefore hereby enacted and declared to be the intent and meaning of the said act, that no sum exceeding one thousand pounds shall be allowed in any one year for the personal services of of any such attorney or solicitor, but that no disbursements nor expenses actually and properly made or incurred by such attorney or solicitor in and about the affairs and business of the said ecclesiastical commissioners, and by their authority and direction, shall be deemed or taken to be included in the said sum of one thousand pounds, or form part thereof.

Former acts  
to be con-  
strued with  
this act.

XXXV. And be it further enacted, that the said several recited acts of parliament shall continue in full force and effect, save and except so far as they or either of them are or is expressly repealed or altered by this act, and that the said recited acts and this act shall be construed and taken together as one act to all intents and purposes; and that this act may be altered, amended, or repealed by any act or acts to be passed in the present session of parliament.

Act may be  
altered this  
session.

XXXVI. And whereas it is enacted by the said first recited act, that in all cases where, under and by virtue of an act made in the twenty-first of the reign of king *George* the second, intituled *an act for disappropriating benefices belonging to deans, archdeacons, dignitaries, and other members of cathedral churches, and for appropriating others in their stead, and also for the removal of the sites of ruined cathedral churches*, any parochial church shall have been or shall be made or shall become by usage or custom cathedral and parochial, and in all cases where, under and by virtue of an act made in the parliament of *Ireland* in the thirty-ninth year of the reign of king *George* the third, intituled *an act for the repairing of cathedral churches in cases where the parish churches have been long in ruins*, any cathedral church shall have been or shall be made use of as a parish church, it shall and may be lawful for the said commissioners and they are thereby required to contribute to the repairs of such cathedral and parochial churches in such proportion as has been agreed upon by and between the dean and chapter or chapters of such cathedral church and by the protestant inhabitants of the parish or union in which such church is situate, that the inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such cathedral and parochial churches; and if it shall happen that no such agreement as aforesaid shall have been made by and between the parties aforesaid, it shall and may be lawful for the lord lieutenant or other chief governor or governors of *Ireland* and the privy council thereof, upon petition of the dean and chapter or of the said commissioners, finally to adjust and ascertain the proportions in which such deans and chapters or chapters and said commissioners shall so respectively contribute for the purposes aforesaid; and the sums necessary and sufficient for such purposes shall be from time to time apportioned and paid accordingly by the said deans and chapters and the said commissioners respectively: and whereas it is just and reasonable that such deans and chapters should in certain cases be relieved in the whole or in part from the burthen of contributing to the repairs of such cathedral churches; be it therefore enacted, that in case there shall be no economy fund or chapter or other property appropriated to the purpose of rebuilding, enlarging, and putting into and keeping in repair of any such cathedral church, or no such economy fund, chapter, or other property adequate or sufficient for such purpose, it shall and may be lawful for the said ecclesiastical commissioners, if they shall so think fit, by writing under their seal to certify to the lord lieutenant or other chief governor or governors of *Ireland* in council that there is no such economy fund, chapter or other property appropriated to the purpose of repairing such cathedral church, or no such fund or property adequate and sufficient for such purpose, and that it is just and reasonable that the said commissioners should defray the whole of the sums necessary for such purpose, or that the said commissioners and the dean and chapter or chapter should contribute for such purpose in such proportions as shall in such writing be specified; and in case the lord lieutenant or other chief governor or governors of *Ireland* and the privy council thereof shall signify his and their approval of the matters specified in such certificate, then

Providing for  
the repairs  
of cathedral  
churches.

39 G. 3. (1.)

and in such case it shall and may be lawful for the said commissioners and they are hereby authorized and required from time to time to pay the whole of the sums necessary for such purpose as aforesaid, or such proportion thereof as shall be specified in such certificate, subject to such regulations as in the said recited acts and this act, or any or either of them, are contained with respect to monies to be expended for such purposes: provided always, that such dean and chapter or chapter shall from time to time contribute for such purpose as aforesaid such proportion as shall be specified in such certificate as just and reasonable to be contributed by such dean and chapter or chapter.

3 & 4 VICTORIA, CAP. 101.—*An act to amend several acts relating to the temporalities of the church in Ireland.*—Whereas an act was passed in the session of parliament holden in the third and fourth years of the reign of his late majesty, intituled *an act to alter and amend the laws relating to the temporalities of the church in Ireland*, which act was amended by two acts passed respectively in the sessions of parliament holden in the fourth and fifth, and sixth and seventh years of the same reign: and whereas it is expedient to amend the said acts in certain respects: be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that in every case in which the appointment, presentation, or collation of a clerk to any benefice or parish shall have been suspended, pursuant to the said first recited act, and a curate or other minister shall have been appointed to officiate within such benefice or parish, the consent of such curate or officiating minister shall, for all purposes for which the consent of the rector, vicar, or incumbent of such benefice or parish may by law be required, be as valid and effectual, during such suspension, as if such curate or officiating minister were the rector, vicar, or incumbent of such benefice or parish.

II. And whereas the said ecclesiastical commissioners for *Ireland* did, pursuant to the provisions of the hereinbefore first recited act, cause a valuation to be made of the revenues of the several dignities and benefices liable, under the provisions of the said act, to the payment of the tax, rate, or assessment in such act mentioned, and did according to such valuation, compute and impose such tax, rate, or assessment on the several dignities and benefices respectively liable thereto; but, by reason of the opposition to the payment of tithes in *Ireland*, it was in many cases found impossible to enforce payment of the same; and the said commissioners have, in the exercise of the discretion in that behalf vested in them by the said act, extended the time for the payment thereof: and whereas by an act passed in the session of parliament holden in the first and second years of the reign of her present majesty, intituled *an act to abolish compositions for tithes in Ireland, and to substitute rent charges in lieu thereof*, the right of all persons in and to all tithes and compositions for tithes theretofore accrued, or at any time thereafter to accrue due in *Ireland*, wholly ceased and determined, with certain exceptions in the said act mentioned; and by the said act a certain fund was appropriated to the relief of the several persons who, if the said act

3 & 4 W. 4,  
c. 37.

4 & 5 W. 4,  
c. 90.  
6 & 7 W. 4,  
c. 99.

The consent  
of the curate  
or officiating  
minister of  
any suspended  
benefice  
shall be good  
for certain  
purposes.

The valuation  
made  
for the as-  
sessment of  
the tax under  
3 & 4 W. 4.  
c. 37, shall  
be amended,  
and relief  
given in  
respect of  
arrears.

1 & 2 Vict.  
c. 109.

had not been made, would have been entitled to compositions for tithes accrued due for certain years in the said act mentioned, and further provision was made for the payment to the parties theretofore entitled to certain tithes and composition for tithes vested in her majesty by the said act of such sums as should be paid or recovered by her majesty's attorney general for *Ireland* on account thereof: and whereas it is reasonable that the parties whose right to the arrears of tithe or tithe composition due to them has so ceased and determined should be relieved from the payment of the said tax, in respect of such portion of the revenues of their benefices or promotions as by the operation of the said act may have been lost to them, or shall not be hereafter paid to them, and that for the purpose of computing the amount of tax justly payable by them the valuation and assessment of their respective dignities or benefices heretofore made by the said ecclesiastical commissioners shall be amended; be it therefore enacted, that it shall and may be lawful for the said ecclesiastical commissioners, when and as they shall think necessary, to alter and amend the valuation heretofore made by them of the revenues or emoluments of all or any of such dignities or benefices, under the rank of bishoprics, as were or are now liable to the said tax, rate, or assessment, or any arrears thereof, for any of the years preceding the year one thousand eight hundred and thirty-eight; and in altering or amending such valuation the said commissioners shall have regard to include all or any such payments as may or shall be made to any dignitary or incumbent pursuant to the provisions of the said recited act of the first and second years of her present majesty's reign; and they shall assess and compute the tax or arrears thereof to which every such dignity or benefice, under the rank of a bishopric, was or shall be deemed to be or have been liable for any year, or portion of any year, preceding the year one thousand eight hundred and thirty-eight, upon such altered or amended valuation, according to the several rates or scales specified in the schedule (A.) annexed to the said hereinbefore first recited act, in like manner as if such altered or amended valuation had been the valuation of each such dignity or benefice originally made, pursuant to the provisions of the said act; and all arrears of the said tax so assessed and computed, if any, now remaining unpaid, shall and may be recovered by all such ways and means as are in and by the said act provided for enforcing payment of the said tax, rate, or assessment: provided always, that it shall and may be lawful for the said ecclesiastical commissioners, if they shall so think fit, in any case to direct the payment of the whole or any portion of the arrears of the said tax, rate, or assessment, by instalments, of such amount, and to be paid at such times, and subject to such conditions for securing the payment thereof, as they shall deem reasonable, but so nevertheless that the whole shall be paid within five years next after the passing of this act; provided further, that in any case where it shall appear to the said commissioners that any party shall have paid on account of such tax any sum with which he would not have been justly chargeable under such amended valuation, or any sum greater than, under such amended valuation, he would have been justly chargeable with, the said commissioners shall repay and refund to such party the sum or overplus so paid.

In cases of proprietary chapels, commissioners to have a discretion as to contributing towards repairs, &c.  
6 & 7 W. 4, c. 31.

III. And be it enacted, that in all cases in which application shall be made to the said ecclesiastical commissioners, pursuant to the said recited acts or any of them, to pay or apply any sum or sums of money for or towards the rebuilding, enlarging, or repairing of any church or chapel, now or which may be hereafter erected or appropriated and endowed by virtue of an act passed in the session of parliament holden in the sixth and seventh years of the reign of his late majesty, intituled *an act to amend an act of his late majesty king George the second, for the encouragement of building of chapels of ease in Ireland*, or for or towards the providing of things necessary for the celebration of divine service in any such church or chapel, or for or towards the payment of the salaries for maintenance of the clerks or sextons thereof, the person or persons so making such application shall and he and they is and are hereby required to furnish to the said ecclesiastical commissioners a statement in writing, in such form and for such period, and verified in such manner, as the said commissioners shall direct, of the annual or periodical income belonging to or derived or produced by such church or chapel, or received by the minister or ministers thereof, whether the same shall arise from any endowment or endowments, or from the sale or letting of pews, or the amount of collections made in such church or chapel, or from any other source or sources whatsoever, and how such income has been theretofore applied, and is in future intended to be applied; and that it shall and may be lawful for the said commissioners, having regard to the amount and application of such income, to pay or contribute such sum or sums as under or by virtue of the said recited acts, or any of them, they might or ought to have paid or contributed for or towards the providing of things necessary for the celebration of divine service in such church or chapel, as required and authorized by any rubric or canon in force in *England* or *Ireland*, or for or towards payment of the salaries for maintenance of the clerks or sextons of such church or chapel, or for or towards the rebuilding, enlarging, or repairing of the same, or, at their discretion, to withhold, in case of any such church or chapel, the payment of any sum or sums of money for or towards the several objects and purposes aforesaid, or any of them.

Fund to be provided for repairs of church or chapel, in addition to that set apart for support of minister.

IV. And whereas it was by the hereinbefore recited act passed in the sixth and seventh years of the reign of his late majesty, amongst other things, enacted, that upon any lands set apart for that purpose as in the said reciting act mentioned it should and might be lawful to and for any person or persons, bodies politic or corporate, to erect and build a church or chapel, or to appropriate as a church or chapel any building already erected on such land, in which the liturgy and rites of the united church of *England* and *Ireland*, as by law established was to be used and observed, who should first settle and assure lands, tenements, or hereditaments held in fee simple or for lives with covenant for perpetual renewal thereof, or for a term of ninety-nine years, of which sixty years at the least should be then unexpired, free from incumbrances, and of the clear yearly value of fifty pounds at the least, or money in any of the government funds amounting at the least to one thousand two hundred and fifty pounds, as a provision or maintenance for a minister to officiate

in such church or chapel, and his successors for ever, as a perpetual endowment of such church or chapel : and whereas it is expedient that a fund should be provided for the repairs of every such church or chapel in like manner as is by law required in respect of churches and chapels built or appropriated under similar enactments in *England*; be it therefore enacted, that, in addition to the endowment required to be made for the support or maintenance of the minister and his successors to officiate in any church or chapel built or appropriated under the provisions of the said recited act, it shall, from and after the passing of this act, be necessary also to provide a fund for the repairs of the said church or chapel in manner following; (namely), one sum equal in amount to three pounds upon every one hundred pounds of the original cost of erecting and fitting up, or of purchasing such chapel or building, to be secured upon lands or money in the funds as aforesaid, and also a further sum to be reserved annually out of the pew rents of the said church or chapel, after the rate of three pounds for every one hundred pounds of the sum so to be provided as last aforesaid.

V. And whereas it was by the hereinbefore recited act of the fourth and fifth years of the reign of his late majesty, among other things, enacted, that where there shall not be any vicar or curate in any parish which, or the tithes or any portions of the tithes and glebes whereof, may be appropriated or united to any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, it shall and may be lawful for the lord lieutenant of *Ireland* and the privy council there, if they shall so think fit, by and with the consent and approbation of the archbishop, bishop, dean, archdeacon, dignitary, prebendary, or canon thereof, or whensoever such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry shall be void, to disappropriate, disunite, and divest such parish, and all tithes, portions of tithes, or glebes thereunto belonging, from and out of such archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, and, if they shall so think fit, to order and direct that such tithes or portions of tithes, or glebes, so disunited, shall from thenceforward be united and annexed to any neighbouring rectory, vicarage, or perpetual curacy, as in the said act after mentioned, or shall be and become for ever a separate benefice and parish : and whereas it is expedient to repeal part of the said recited enactment, and to make other provisions in lieu thereof; be it therefore enacted, that so much of the said recited enactment as empowers the said lord lieutenant and council to unite and annex any parish, tithes or portions of tithes, or glebes so disunited, to any neighbouring rectory, vicarage, or perpetual curacy, shall be and the same is hereby repealed.

VI. And be it enacted, that in lieu of uniting and annexing any parish, tithes or portions of tithes, or glebes, so disunited, to any neighbouring rectory, vicarage, or perpetual curacy, it shall be lawful for such lord lieutenant and council, if they shall not think fit to erect the same into a separate benefice or parish, to order and direct that such parish, tithes or portions of tithes, or glebes, so disunited, shall be transferred to the said ecclesiastical commissioners, and the right and interest in and to the same, and all arrears thereof, shall

4 & 5 W. 4,  
c. 90, s. 5, re-  
cited and in  
part repealed

Disappropri-  
ated tithes,  
&c. shall be  
carried to the  
general fund  
of the eccle-  
siastical com-  
missioners,  
but charged  
with a sum not  
exceeding



£1,000 per  
annum for  
augmenta-  
tion of small  
livings.

thereupon vest in the said commissioners, and be by them carried to the general fund under their administration, after making thereof such provision, if needed, for the due performance of the occasional duties of such parish or place, as the said commissioners may think fit: provided nevertheless, that it shall and may be lawful for the said commissioners, from and out of the monies hereafter accruing to the said fund by the means aforesaid, and in preference to any other purposes to which the said fund may be by law now primarily applicable, to appropriate such sum or sums as they may think fit, not exceeding one thousand pounds in any one year, to the like purposes and uses as the monies bequeathed by doctor *Hugh Boulter* and doctor *Richard Robinson*, formerly archbishops of *Armagh*, and now vested in the said commissioners, are by law applicable.

4 & 5 W. 4,  
c. 90, s. 7,  
recited and  
repealed.

VII. And whereas the said last recited act contains a further enactment, which it is expedient, with regard to the provisions hereinbefore made, shall also be repealed; be it therefore enacted, that the enactment of the said recited act of the third and fourth years of his late majesty's reign hereinafter following shall be and the same is hereby repealed; (that is to say), so much of the said recited act as enacts, that in any case in which the said lord lieutenant and council shall have power and authority, under the provisions of the said recited act, or under the provisions of the said act of the fourth and fifth years of the same reign, and shall think fit, to disappropriate, disunite, and divest any rectory, vicarage, tithes or portion of tithes, and glebes or part or parts thereof, from and out of any archbishopric, bishopric, deanery, archdeaconry, dignity, prebend, or canonry, it shall and may be lawful for such lord lieutenant and council, if they shall so think fit, to unite and annex to any adjoining or neighbouring rectory, vicarage, or perpetual curacy as aforesaid, such rectory, vicarage, tithes or glebes, or any part or parts or portions thereof respectively, so disappropriated, disunited, or divested as aforesaid, together with the actual cure of souls within such rectory or vicarage, or such part or parts thereof so united or annexed respectively, or within such place or places respectively, whereof the tithes or glebes shall be so united and annexed.

1 & 2 Vict.  
c. 109, s. 15.

VIII. And whereas it was by the hereinbefore recited act of the first and second years of the reign of her present majesty, among other things, provided, that in every case in which no applotment of a composition for tithes had been hitherto made, pursuant to the provisions of the several acts for establishing such compositions therein referred to, it should be lawful for any person or persons in any parish who would have been, in case such act had not been made, individually or collectively liable to the payment of more than one-fourth part of the amount of the whole composition established in and for such parish, to apply for the making of such applotment to the lord lieutenant or the chief governor or governors of *Ireland* in council, and that such application should be made by memorial to be lodged with the clerk of the council before the first day of *October* then next, and notified by public advertisement, and otherwise, as in the said act mentioned: and whereas it is expedient to make further provision for the applotment of such compositions in parishes in which no such applotment has been made under the said acts or

any of them; be it enacted, that in any case in which no applotment of the said composition for tithes shall have been hitherto made, it shall be lawful for any person or persons in any parish who would have been, in case the said act had not been made, entitled to the receipt of the composition established in and for such parish, or any portion thereof, or for any person or persons in any parish who shall be individually or collectively liable to the payment of more than one-fourth of the whole amount of the rent charges charged under the provisions of the said recited act upon the lands theretofore subject to the payment of the said compositions for tithes in such parish, to apply to the said lord lieutenant in council for the making of such applotment; and that such application shall be made by memorial, to be lodged, at any time before the first day of *October* now next, with the clerk of the said council; and notice of every such memorial shall be posted at the door of every church and chapel within such parish, and at the usual place or places of posting grand jury notices in the barony or half barony, baronies or half baronies, in which the parish to which such memorial may refer is situated; and shall be once published in some newspaper circulating within such parish; such posting and publication to be made by the memorialist within ten days after such memorial shall be so lodged as aforesaid.

IX. And be it enacted, that it shall be lawful for any person or persons, liable to the payment of any rent charge in such parish under the said recited act, to apply by counter memorial to the lord lieutenant in council to be heard in opposition to such memorial, such counter memorial to be lodged with the clerk of the council within twenty days after such notice shall have been published as aforesaid, or within such further time as such lord lieutenant in council shall order; and it shall be lawful for the lord lieutenant in council to examine into the merits of any such memorial or counter memorial, and for that purpose to receive such evidence on oath and otherwise as to him shall seem meet, and to make such order, whether for dismissing such memorial, or for directing an applotment to be made, or respecting the manner in which such applotment shall be made, or respecting the omission therefrom of any lands which may appear to be tithe free, or otherwise, as to the said lord lieutenant in council shall seem meet; and it shall be lawful for the said lord lieutenant and council, for the better informing them upon any matter relating to the subject of the prayer of such memorial or counter memorial, to direct any such matter to be inquired into before the judge or judges of assize for the county in which such parish shall be situate, with or without a jury, as the lord lieutenant and council shall order, and such judge or judges shall so inquire accordingly, and shall receive evidence on such inquiry, as in cases of trials by *niisi prius*, and shall certify the result of such inquiry, to the lord lieutenant in council,

X. And be it enacted, that in every such case it shall and may be lawful for the said lord lieutenant in council, if he shall so think fit, to appoint one or more skilful person or persons to make such applotment, who shall therein (subject to any order or orders of the lord lieutenant in council made under this act) have and exercise the like powers, privileges, and authorities, and observe, as far as may

In any case where no applotment of tithe composition has been made, any person who would have been entitled to the receipt or liable to the payment of such composition, may apply to have such applotment made.

Persons liable to tithe or rent charge may oppose application for applotment.

Proceedings thereon respectively.

Lord lieutenant and council empowered, at their discretion, to cause such applotment to be made.

The expense  
to be defrayed  
by grand jury present-  
ment.

be, the like regulations, as are given and directed to be observed by the said acts for establishing compositions of tithes; and the said lord lieutenant shall cause to be paid to the person or persons employed for the purposes aforesaid such remuneration as he shall think reasonable, and the expenses thereof shall be repaid by grand jury presentment on or off the parish in which such expenses shall have been incurred; and a certificate of the amount so expended in respect of each such parish shall be transmitted, under the hand of the paymaster of civil services in *Ireland*, to the treasurer of the county in which such parish may be situate, and such treasurer shall insert the sum specified in such certificate in his warrant for the collection of the money to be raised and levied off such parish by presentment of the grand jury at the assizes next succeeding, and such sum shall be applotted (if need be by a separate applotment) and raised and levied off the lands liable to rent charge in such parish in like manner, and by the like ways and means, as if such sum had been presented by the said grand jury at such assizes to be levied off such lands, and shall be paid over by the said treasurer, when and as by him received, to such bank or person, and in such manner, as the commissioners of her majesty's treasury, or any three or more of them, shall direct.

Applotment  
to be subject  
to appeal, &c.

XI. And be it enacted, that every such applotment made under the authority of this act shall be subject to such appeal, alteration, and amendment, and shall be as good, valid, and effectual as any applotment made under the authority of the said acts for establishing compositions for tithes in *Ireland*, or any of them: provided nevertheless, that it shall be lawful for the said lord lieutenant or other chief governor or governors in council to fix and declare the time from which each such applotment to be made under the authority of this act shall take effect, or to which the same shall relate, and to make such orders and regulations in each such case, and from time to time to rescind or vary the same, as to him and them shall seem just and necessary; and all such orders and regulations shall be good, valid, and effectual as if the same had been inserted in this act; and the enactments herein made in respect of the applotments to be made under the authority of this act shall be construed together with the said recited act of the first and second years of her majesty's reign, and as part thereof, to all intents and purposes.

Lord lieutenant  
and council shall  
declare from  
what time  
such new ap-  
plotments  
shall take  
effect.

Construction  
of act.

XII. And be it enacted, that in the construction of this act the words "Lord lieutenant" shall be construed to mean the lord lieutenant, lords justices, or other chief governor or governors of *Ireland*.

Act may be  
amended, &c.

XIII. And be it enacted, that this act may be amended or repealed by any act to be passed in the present session of parliament.

6 & 7 VICTORIA, CAP. 57.—*An act to relieve bishops succeeding to bishoprics by operation of the act to alter and amend the laws relating to the temporalities of the church in Ireland from certain liabilities.*—See Title—"BISHOPS IN IRELAND," vol. i. p. 299.

## TENTHS.

26 HENRY 8, CAP. 3, SECS. 9—26.—*The bill for the first fruits, with the yearly pensions to the king.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 106.

27 HENRY 8, CAP. 8.—*An act that the king's spiritual subjects shall pay no tenths of their spiritual promotions for that first year for which they paid their first fruits.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 118.

32 HENRY 8, CAP. 22.—*For the bishops' accounts, and others, of the tenth granted unto the king.*—In most humble wise beseeching your most royal majesty, your humble subjects the archbishops and bishops of this your realm, that where in the parliament begun at *London* the third day of *November* the one and twentieth year of your most gracious reign, and from thence adjourned to *Westminster*, and there holden and continued by divers prorogations unto the third day of *November* in the six and twentieth year of your most noble reign, it was enacted, by the authority of the same parliament, among other things, that your majesty, your heirs and successors, kings of this realm, for more augmentation and maintenance of the royal estate of your imperial crown and dignity of supreme head of the church of *England*, should yearly have, take, perceive and enjoy, united and knit to your imperial crown for ever, one yearly rent or pension, amounting to the value of the tenth part of all the revenues, rents, farms, tithes, offerings, emoluments, and of all other profits, as well called spiritual as temporal, then appertaining or belonging, or that hereafter should belong to any archbishopric, bishopric, abbacy, monastery, priory, archdeaconry, deanery, hospital, college, house collegiate, prebend, cathedral church, collegiate church, conventual church, parsonage, vicarage, chantry, free chapel, and other benefice or promotion spiritual, of what name, nature or quality soever they then were, within any diocese of this your realm or in *Wales*; the said pension or annual rent to be yearly paid for ever to your majesty, your heirs and successors, kings of this realm, at the feast of the *Nativity* of our *Lord God*, as in the said act more plainly appeareth.

By the statute of 26 H. 8, c. 3, a tenth was granted to the king of all spiritual livings.

II. And furthermore it was enacted by the said authority in the same parliament, that after a certificate made into your exchequer, and tax set, in such manner and form as by the said act is limited, every archbishop and bishop then being, and after that to be, should be charged and chargeable to levy, collect and receive within their proper diocese, as well in place exempt as not exempt, all such sums of money wherewith the dignities, benefices and other promotions spiritual aforementioned within their diocese, chargeable by the said act, should be set, taxed and charged towards the payment of the said yearly pension; and should pay and content the said sums of money before the first day of *April* to the treasurer of your chamber for the time being, or to any other person or persons whom it should please

Every bishop charged with the collection of the tenth of all spiritual livings within his diocese.

your highness to appoint to receive the same ; and that the treasurer, chancellor, chamberlain and barons of your exchequer, should cause yearly process to be made by their discretions for nonpayment of the said pension or yearly rent, as by the said act, among other things, more at large appeareth.

Causes why  
the bishops  
shall not levy  
so much  
money for  
tenths, as by  
commissions  
was certified  
to be due.

III. And forasmuch as since the making of the said act, all and singular abbacies, priories, monasteries and other religious houses, which were then conventual, being clearly dissolved, and come to your highness by authority of parliament, and otherwise by your laws, whereby the said yearly rents and pensions, which before that time were of them severally to be paid, be now not payable or leivable ; and also that the said archbishops and bishops, upon certificate made into the said exchequer, by reason of the said act made in the said six and twentieth year of your reign, been charged and chargeable with the said yearly rents or pensions of the tenth of divers and many persons, which were certified into your said exchequer by the commissioners assigned to tax and cess the said spiritual dignities and promotions, to have perpetuities and chantries and other salaries, where never any such chantry or perpetual salary was founded or ordained, and many chantries and other perpetuities spiritual, then being in *esse*, been since that time utterly dissolved and extincted ; and also many prebends, parsonages and vicarages, been double certified by the said commissioners, and some certified to be in places where none such be *in rerum natura*, and some by wrong names or otherwise miscertified ; and also some parts of the profits and emoluments, which did then belong to some dignities, parsonages, vicarages, cathedral churches and collegiate churches, as in proxies, synodals, oblations and indulgences, pardons and other profits, been now decayed and diminished by sundry means, and many chantries, and other small promotions spiritual, been since that time decayed and extinguished, and no priests thereon abiding :

25 H. 8, c. 3.

IV. And also sith the making of the said act, made in the said six and twentieth year, there have been assurances made to your majesty by some of the said archbishops and bishops, of parcels of their possessions charged with the said rent or pension, and parcel of the said possessions charged with the payment of the said yearly rent or pension been come to your hands by other lawful means ; by reason whereof, and of many other causes, doubts and ambiguities, which do daily rise concerning the premises, the said collectors cannot levy the said yearly rents or pensions concerning many promotions or profits spiritual, certified in your said exchequer by the said commissioners ; and yet that notwithstanding the said archbishops and bishops, for lack of sufficient warrant and authority to the barons of your said exchequer for their discharge in that behalf, been greatly prolonged and letted in yielding of their accounts in your said exchequer of the said annual rent or pension, and put to great costs and charges, to their great inquietness, charges, losses and troubles, where they have nothing allowed them, or to any of their officers, for the collecting, levying, gathering or paying of the said annual rents or pensions to the use of your highness :

If a bishop  
or any of his  
deputies will

V. It may therefore please your highness, with the assent of the lords spiritual and temporal, and the commons, in this present par-

liament assembled, and by the authority of the same, that it be enacted by the authority aforesaid, that if the said archbishops and bishops, or any of them, their deputies or other accountants, or any of them, that now be or hereafter shall be chargeable with the collection of the said annual rent or pension, or of any part or portion thereof, shew and allege, by the oath of any of the said archbishops, bishops or other accountants, or any other person or persons authorized to account for any of them, before the treasurer, chancellor and barons of your exchequer, or before the more part of them, or before such other persons as it shall please the king's highness to appoint to hear the same account, that they or any of them for any of the causes abovesaid, or for any other sufficient cause or matter by any of them to be alleged, cannot or may not in anywise lawfully levy such particular sum or sums of money of the said annual rent or pension, as they or any of them now be, or hereafter shall be chargeable and charged with, and no matter apparent there shewed to the contrary for your highness by any of your serjeants at the law, or by your attorney general for the time being, or by any other for your majesty; that then your said treasurer, chancellor and barons, or the more part of them, or such other persons as shall be appointed by the king's highness, shall, by virtue and authority of this act, have full power and authority by their discretions, to accept and allow that allegation, and thereupon thereof to discharge the accountant, or else by their discretions to direct the king's writ unto any of the king's courts, for to certify unto them the truth thereof; and thereupon the said treasurer, chancellor and barons, or the more part of them, or such persons as shall be thereunto appointed by the king's highness, further to hear and examine the same matter and cause, by witness and depositions of such as can inform the court, or the said other persons as shall be thereunto appointed by the king's highness, of the truth thereof, or by any other ways and means that they can best devise; and if need require, to award commissions by their discretions to certain indifferent persons in every such diocese, where any such matter or cause shall be alleged, without any charge asking or taking for the making of the same commissions so to be awarded; which said commissioners shall and may, by virtue of their commissions, have full power and authority to examine the same matter and cause so alleged by any of the said bishops, or other accountants for them, and in their discharge, by the oaths of such persons as shall have perfect notice thereof, or otherwise, and thereupon to make certificate thereof to the said treasurer, chancellor and barons, or to the more part of them in the said exchequer, or to such other persons as thereunto shall be appointed by the king's highness.

take his oath that he cannot levy the tenth of any promotion, he shall be discharged thereof.

VI. And upon certificate so made of the said matter, or if by any other matter or certificate it shall appear to the said treasurer, chancellor and barons, or to the more part of them, or to such other persons as thereunto shall be appointed by the king's highness, that the said matter, and the allegations thereof be good and true; then the said treasurer, chancellor and barons, or the more part of them, or the said such other persons as thereunto shall be appointed by the king's highness, thereupon to make a clear and sufficient deduction,

Commissions may be awarded to inquire the cause of any tenth defalked.

allowance, determination and discharge to any of the said archbishops, bishops, and other accomptants, and to every of them, of and for the same, without further suit or delay, and the same allowance and discharge to cause to be entered in that court, there to remain of record, as by their discretions shall be thought requisite from time to time, without further suit, charge, or other inquieting of any of the said archbishops, bishops, or other accountants, or any of them, or any of the successors or executors of any of them in that behalf.

A mean how the king shall be answered of the tenth of any spiritual living being omitted in the former certificate.

VII. And that it may be further enacted by the authority aforesaid, that in case it be hereafter certified by commission, or otherwise by sufficient and probable witnesses had and found, before the said treasurer, chancellor and barons, or before the more part of them, or before such other persons as thereunto shall be appointed by the king's highness, that any benefice, chantry, hospital, or other ecclesiastical promotion, is omitted, and not specified, or not certified by or in the said original, or former certificate; that then upon due proof, information, knowledge, or certificate thereof by any of the said archbishops or bishops, or otherwise, made or declared before the said treasurer, chancellor or barons, or before the more part of them, or before such other person or persons as thereunto shall be appointed by the king's highness, of any sum or sums of money, concerning the premises so omitted, and not charged for lack of knowledge or certificate thereof, whereof the king of right ought to be answered; the said treasurer, chancellor and barons, or the more part of them, or such other persons as thereunto shall be appointed by the king's highness, shall make a sufficient entry thereof, to be annexed to and with the said original of the same tenth, and thereupon to charge the said accountants to make, levy and answer thereof yearly from henceforth, so that the king's highness may be truly answered thereof from time to time, according to his lawful title in that behalf.

Repealed by 2 & 3 P. & M. c. 4, and revived by 1 Eliz. c. 4.

32 HENRY 8, CAP. 45.—*The erection of the court of the first fruits and tenths.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 124.

26 H. 8, c. 3.  
37 H. 8, c. 8.  
Repealed by 2 & 3 P. & M. c. 4, and revived by 1 Eliz. c. 4.  
PR.

32 HENRY 8, CAP. 47.—*An act that the bishop of Norwich shall be charged with the collection of the king's tenth.*—A statute not printed exempteth the bishop of *Norwich* from collecting of the tenths in his diocese. The bishop of *Norwich* and his successors shall collect the tenths of all spiritual promotions within his diocese.

34 & 35 HENRY 8, CAP. 17.—*An act for bishops newly erected, to pay their tenths in the court of the first fruits and tenths only.*—See Title—"BISHOPS IN ENGLAND," vol. i. p. 289.

2 & 3 EDWARD 6, CAP. 20.—*An incumbent for not paying of his tenths due to the king, the same being demanded, shall be deprived of that benefice.*—Where in the parliament holden upon prorogation at *Westminster* the third day of *November* in the six and twentieth year of the reign of the most excellent prince, king *Henry* the eighth, father to our sovereign lord the king's majesty that now is, amongst other things concerning the payment of one annual pension of the tenth part of all possessions of the church, spiritual and temporal, granted to the king's highness and his heirs, it was enacted, ordained and established, that every ecclesiastical person, and other, having any ecclesiastical promotion or dignity, specified in the said act,

which did not duly pay the said tenth part, and by reason thereof were certified by the archbishop, bishop or other authorized in the said act, should upon such certificate made according to the tenor of the said act, be judged deprived *ipso facto* of all such dignities and promotions spiritual, that any such incumbent making such default, had at the time of any such certificate made, or at any time after, as by the said act more plainly may appear.

II. Forasmuch as the pain limited in the said statute, in such form and manner as in the same is expressed, is very sore and dangerous unto all the king's faithful and obedient subjects of the clergy, whereof divers since the making of the said statute, intending none otherwise than most willingly and with good heart that payment should be made of the said tenths by them due, without fraud or delay, to such officers, and at such times as by the said statute is appointed and declared, by the default and negligence of their farmers, and other whom they have trusted to make payment thereof, and by divers other sinister means, being certified or making default of payment thereof, have incurred the pain and danger of the said statute, with the loss and deprivations of all the spiritual promotions whereof they were then incumbents, being also made unable to take any other, to the utter undoing of such persons, and the like peril and danger of many other the king's most humble and faithful subjects of the clergy, against whom the like things may be practised and attempted hereafter: for the moderation of which pain, and to the end that the king's majesty, our sovereign lord that now is, and his heirs and successors, may be truly answered and satisfied of the said yearly pension or annual rent of the tenth part, united and knit to his imperial crown in manner and form as in the said act is contained:

III. The king's said faithful and most obedient subjects, the clergy of this realm, do most humbly beseech his majesty, that it may be enacted and established by his highness, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that if any sum of the said annual pension being once due, and demanded according to the manner and form specified in the said act, be not truly contented and paid unto such archbishop or bishop, or their ministers and officers, or to such other person or persons, or their ministers or servants, as shall have the charge of collection thereof, every year yearly at the time of the said act expressed, and thereupon certificate made into the king's majesty's court of first fruits and tenths, in writing under the seals of any archbishop or bishop, or of such as be limited and charged to the collection of the said pension by the said former act; then every incumbent so making default and certified, shall be judged deprived *ipso facto* of that only dignity, benefice or other ecclesiastical promotion, by what name soever it be called, whereof such certificate shall be made; so that such dignity, benefice or other ecclesiastical promotion, whereof any incumbent making such default of payment shall be judged deprived as is aforesaid, shall be clearly void and destitute of incumbent in the law, to all intents and purposes as if such incumbent making such default of payment were dead in deed.

The inconveniences ensuing by the stat. of 26 H. 8, c. 3. touching deprivation of all a man's spiritual livings for lack of payment of the tenth of one.

The penalty for default of payment of tenths shall be the forfeiture of that only benefice out of the which the same is due.



IV. And that no incumbent making such default of payment shall be therefore made unable to take or enjoy any other benefice or promotion spiritual, or incur any penalty, forfeiture or loss to be paid by them, their executors or assigns for the same default, other than in this present act is heretofore expressed; any thing in the said former act, or any other statutes or acts contained to the contrary notwithstanding.

V. Provided alway, that the said former act concerning the payment of the said yearly rent and pension, amounting to the tenth part of every such dignity, benefice or promotion spiritual, and every other act touching the same, and all articles, clauses and sentences in them or any of them mentioned expressed or contained, now being in his or their force and effect, other than such as by this present act be already qualified or moderated, shall stand and abide in all his or their full strength, effect and virtue; any thing in this present act contained notwithstanding.

7 EDWARD 6, CAP. 4.—*An act that all patentees of collectorships of tenths be bound by recognizance.*—Where the archbishops and bishops of this realm of *England*, are bound to the king's majesty for the collecting and true payment of the *dismes* or tenths due to his highness, for all and singular benefices and other ecclesiastical promotions whatsoever, being within their several dioceses: for the collection whereof, divers of the predecessors of the said archbishops and bishops have by their letters patents (confirmed with the chapter seal) given and granted to sundry persons, without provision of sufficient bonds for the true collection and payment of the said *dismes* or tenths to our sovereign lord, or otherwise to discharge the grantors of the said patents, and their successors, whereby the king's majesty hath been greatly defrauded of his said duties, and many of the bishops sore troubled, to their great hindrance and utter undoing:

Patentees of collectorships of tenths shall be bound for their collectors.  
26 H. 8, c. 3.

14 Elis. c. 7.  
Altered as to collectors of the rents by 3 G. 1, c. 10.

II. Be it therefore enacted by our sovereign lord the king, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, that all collectors of the said tenths, under any archbishop or bishop within this realm of *England*, or other the king's dominions, having letters patents, or other writings of their said office of collectorship of the said tenths, shall before the feast of the *Nativity of Saint John Baptist* next coming be bound by their sufficient writing obligatory or recognizance, in the court of the first fruits and tenths, or in any other court where the king's revenue of the tenths shall be answerable, in such sum or sums of money as shall be due and growing yearly to our sovereign lord the king within their said collection or office, to save and keep the said archbishops or bishops and every of them harmless, and without hurt or damage, against the king's majesty, his heirs and successors, of and for all manner of accounts and payments of money, which they or any of them shall or may conveniently receive during the time of their several collections, and that may be lawfully demanded or required of the said archbishops or bishops or any of them for or concerning the said tenths, by reason of the statute of the first fruits and tenths, or else their said letters patents and other writings to be utterly void and of none effect.

III. And for that the parsons, vicars and curates within this realm, for the most part be not able to pay their tenths before that they shall have received the profits of their benefices, which yearly groweth and reneweth to them at the feast of *Easter*, which feast in many years falleth after the first day of *April*, which said first day of *April* is now the day that is stalled and appointed to the said archbishops and bishops, to make payment to the king's majesty of the said tenths; be it therefore enacted by the authority aforesaid, that the said archbishops and bishops, and every of them, shall from henceforth make yearly payment of the said tenths unto our said sovereign lord, his heirs and successors, in the court of the first fruits and tenths, or else where it shall please the king's majesty to appoint the payment of the same, before or at the last day of *May* and not otherwise: and that the certificate of recusants made by any of the said archbishops or bishops or any of them, before or at the said last day of *May* yearly, shall be as good and effectual in the law, to all intents, constructions and purposes, as though it had been made at the days and times heretofore limited and appointed by the statute made the twenty-sixth year of the reign of his most noble father of famous memory, king *Henry* the eighth, for payments of tenths and first fruits; any law or statute heretofore had or made to the contrary in anywise notwithstanding.

The tenths shall be paid the last day of *May*.

Certificates of recusants made in *May*

IV. And be it further enacted by the authority aforesaid, that if any promotion spiritual be now, or shall chance hereafter to be or remain in such sort void, that no incumbent is or can be conveniently provided for the same, that then the said archbishops and bishops and every of them, shall and may certify yearly before the last day of *May*, the same vacations specially and according to the truth of the matter, into the said court of the first fruits and tenths, or in any other court where the king's revenues of tenths shall be answerable; upon which certificate the said archbishops and bishops, and every of them, shall be discharged towards and against the king's majesty, his heirs and successors, in like sort as they now be upon their certificate of the recusants; and that then and from thenceforth it shall be lawful to the king's majesty, his heirs and successors, to levy and take all the glebe lands, tithes, issues or profits of the said benefice or spiritual promotions so especially certified as is aforesaid, until his grace, his heirs and successors, may be fully answered, satisfied and paid of the whole arrearages of the said tenths then due to his majesty; and the said archbishops and bishops and every of them, to be from the time of the said especial certificate, clearly exonerated and discharged against the king, his heirs and successors, of the same arrearages; any law or statute heretofore had or made to the contrary in anywise notwithstanding.

A spiritual promotion void for which no incumbent can be provided.

V. And be it further enacted by the authority aforesaid, that all and every grant, patent or writing whatsoever, that shall hereafter be made to any person or persons, by any archbishop or bishop by themselves, or else by any archbishop or bishop confirmed by chapter seal, within the realm of *England* or elsewhere within the king's dominions, of the office of collectorship of the tenths, growing or arising yearly to be due unto our said sovereign lord the king, within the diocese and bishopric of any such grantor, by reason of

The patent of a collector shall be good no longer than during the continuance of the grantor in the see.

the statute of first fruits and tenths, shall stand, abide and endure in his or their force, strength and effect, no more nor longer time than the said grantor shall be and remain archbishop or bishop of the same see and bishopric whereof he was possessed at the time of his said grant; any confirmation of his said grant, or any custom, usage, law or statute at any time heretofore had, used or made to the contrary in anywise notwithstanding.

Repealed by  
2 & 3 P. & M.  
c. 4, and  
revived by  
1 Eliz. c. 4.

2 & 3 PHILIP & MARY, CAP. 4.—*An act for the extinguishment of the first fruits, and touching the order and disposition of the tenths of spiritual and ecclesiastical promotions, and of rectories, and parsonages inappropriate, remaining in the queen's majesty's hands.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 131.

1 ELIZABETH, CAP. 4.—*An act for the restitution of the first fruits to the crown.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 141.

13 ELIZABETH, CAP. 4.—*An act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.*

The statute  
of 13 Eliz.  
c. 4, making  
treasurers  
and recei-  
vers' lands  
to be liable  
to the pay-  
ment of the  
queen's  
debts, shall  
extend to  
under col-  
lectors of  
tenths and  
subsidies.

14 ELIZABETH, CAP. 7.—*An act against the deceits of under collectors of the tenths and subsidies of the clergy.*—For avoiding and redress of great deceits done to the queen's majesty, and to the prelates and clergy of this realm, by under collectors of the tenths and subsidies of the clergy, appointed by and under the archbishops and bishops of this realm, and deans and chapters (*sede vacante*), be it enacted, that the statute made in the thirteenth year of her majesty's reign, to make the lands, tenements, goods and chattels of tellers, receivers, &c. to be liable to the payment of their debts, shall to all intents and purposes as amply and largely extend, and be construed to extend, to all such under collectors of tenths and subsidies of the clergy, and to their lands, tenements and hereditaments, goods and chattels, for satisfying of such money as they have collected, or shall collect of the said tenths and subsidies to the use of the queen's majesty, her heirs or successors, (of what yearly sum soever the charge of their collection is or shall be) in like form as it doth extend to the tellers, receivers and other persons accountant, whom the said act specially and expressly concerneth, and in as ample wise, as if such under collectors were immediately accountant to the queen's majesty, her heirs or successors; any provision in the said statute or other matter whatsoever to the contrary notwithstanding.

The under  
collectors  
shall account  
in the exche-  
quer.  
The bishop  
shall be dis-  
charged of  
so much as  
is levied of  
his under  
collectors'  
lands or  
goods.  
Revived by  
1 Jac. I, c. 25,  
s. 31.

II. And that every such under collector shall upon process to be awarded out of the court of exchequer, be chargeable to account for his receipt of such tenths and subsidies as any receiver immediately accountant to her majesty is or ought to be; and that every archbishop and bishop, and dean and chapter (*sede vacante*) to whose charge the collection of such tenths or subsidies doth or shall appertain, shall be discharged of so much of the said tenths and subsidies as shall be satisfied to the queen's majesty, her heirs or successors, of or by the lands, tenements, hereditaments, goods or chattels of such under collector or his heirs, without any other warrant whatsoever in that behalf to be obtained.

27 ELIZABETH, CAP. 3.—*An act for the explanation of an act made in the thirteenth year of the queen's majesty's reign, intituled an*

act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts.

1 JAMES I, CAP. 25, SECS. 30 & 31.—*An act for continuing and reviving of divers statutes, and for repealing of some others.*

XXX. And that one act made in the fourteenth year of the reign of the late queen Elizabeth, intituled *an act against the deceit of under collectors of the tenths and subsidies of the clergy.* First fruits.  
14 Eliz. c. 7.

XXXI. And one other act made in the seven and twentieth year of the reign of the said late queen, intituled *an act for the explanation of the statute made in the thirteenth year of the reign of the said late queen, intituled an act to make the lands, tenements, goods and chattels of tellers, receivers, &c. liable to the payment of their debts*; shall from the end of this present session of parliament be revived and stand in force; any repeal heretofore made thereof, or of any of them, to the contrary notwithstanding. Accountant.  
27 Eliz. c. 3.  
13 Eliz. c. 4.

2 & 3 ANNE, CAP. 11.—*An act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 189.

5 ANNE, CAP. 24.—*An act for discharging small livings from their first fruits and tenths and all arrears thereof.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 192.

3 GEORGE I, CAP. 10.—*An act for the better collecting and levying the revenue of the tenths of the clergy.*—Whereas her late most gracious majesty queen Anne, in her royal bounty to the poor clergy of the church of England, and pursuant to and by virtue of an act of parliament made in the second year of her majesty's reign, intituled *an act for making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant in perpetuity the revenues of the first fruits and tenths, and also for enabling other persons to make grants for the same purpose*, did in and by her letters patents under the great seal of England, bearing date the third day of November in the third year of her majesty's reign, make, nominate, constitute and appoint the persons therein named, to be one body politic and corporate, by the name of the governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, with such powers and authorities as are therein mentioned and expressed; and did in and by the said letters patents give and grant unto the said governors of the bounty of queen Anne for the augmentation of the maintenance of the poor clergy, and their successors, all the revenues of the first fruits and yearly perpetual tenths of all dignities, offices, benefices and promotions spiritual whatsoever payable to her majesty, her heirs and successors, by virtue of any act or acts of parliament whatsoever, and all arrears of the said first fruits and tenths (except as is therein excepted) to be applied and disposed of by the said governors thereby constituted to and for such ends, intents and purposes, as in and by the said letters patent are contained and directed: and whereas the laws now in force relating to the collection and payment of that part of the said revenue, called the perpetual yearly tenths, are in some 2 & 3 Anne,  
c. 11.  
5 Anne, c. 24.  
6 Anne, c. 27.  
1 Geo. 1, c. 10.

The arch-  
bishops and  
bishops dis-  
charged from  
receiving the  
perpetual  
yearly tenths  
26 H. 8, c. 3.

cases defective, and in many instances are found to be inconvenient and improper to be put in execution, by reason whereof her late majesty's said gracious intentions cannot so well and effectually be answered as they might be, if some new provisions and regulations were made and established for the more easy and expeditious levying and paying the said perpetual yearly tenths: for remedy therefore of such defects and inconveniences, and to the end that the said governors may be the better enabled to execute the trust in them reposed, and the poor clergy may, with greater ease and advantage, receive the benefit of the said royal bounty; be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, that the most reverend the archbishops, and the right reverend the bishops of *England*, who by the statute made in the twenty-sixth year of the reign of king *Henry* the eighth, entitled *the bill for the first fruits, with the yearly pensions to the king*, and by other subsequent statutes, are constituted and appointed collectors of the said revenue of the perpetual yearly tenths within their several dioceses respectively, and charged with the receipt and payment of such collection, and made accountable for the same, from and after the twenty-sixth day of *December* last past, be, and each and every of them hereby is clearly exempted, acquitted and discharged of and from the levying, collecting and receiving within their and each of their proper and respective dioceses, the said perpetual yearly tenths from thenceforth accruing, of all dignities, offices, benefices and promotions spiritual, and of and from being chargeable with, and accountable for the receipt and collection of the same, by force or reason of any of the said statutes; the said statute of king *Henry* the eighth, or any other statute to the contrary thereof in anywise notwithstanding.

There shall  
be one col-  
lector ap-  
pointed,

who shall  
collect all  
money,  
wherewith  
any dignity,  
&c. is charge-  
able, and pay  
the same into  
the exche-  
quer, and  
shall be  
chargeable  
with the  
same.

II. And be it further enacted by the authority aforesaid, that from and after the said twenty-sixth day of *December* there shall be one collector or receiver of the said perpetual yearly tenths of all dignities, offices, benefices and promotions spiritual whatsoever, granted to the said corporation of the governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy, by the said first recited act and letters patents (which have not been legally discharged by any act or acts of parliament since made, or otherwise) from time to time to be nominated and appointed; which said collector or receiver shall be and is hereby charged and chargeable to levy, collect and receive, all such sums of money, wherewith all and every such dignities, offices, benefices and promotions spiritual, are charged and chargeable for and towards the payment of the said perpetual yearly tenths, and shall pay and content the said sums of money yearly unto the receipt of his majesty's exchequer at *Westminster*, in such manner and form as is herein-after mentioned; and every such collector and receiver, and his lands and tenements, shall be and stand charged and chargeable for the sure and true payment of such sums of money as he shall collect and receive of the said perpetual yearly tenths accordingly; and that such collector or receiver shall, from time to time, be nominated

and appointed by his majesty, his heirs and successors, by his or their letters patents under the great seal of *Great Britain*; and that immediately after such nomination and appointment, and before he takes upon him the execution of his said office, every such collector or receiver shall take his corporal oath for the due and faithful execution of his said office before any seven or more of the governors aforesaid for the time being, in a general court of the said corporation (who are hereby authorized and required to give and administer the said oath from time to time accordingly); and that every such collector or receiver shall likewise give security to the said corporation, or to such person or persons as they in their general court shall appoint, for his true and just accounting for, and payment of all and every sum and sums of money which he shall receive by virtue of the said office, and for the due and faithful execution and discharge of his said office, as the governors at a general court of the said corporation at any time before his taking upon him the execution of the said office shall order, direct and appoint; and also that such collector or receiver of the said perpetual yearly tenths so appointed, as aforesaid, shall and may lawfully, and is hereby authorized and empowered to collect and receive the said revenue, and to give acquittances under his hand to the several and respective person or persons paying the same; whose acquittance or acquittances shall be a full and sufficient discharge to all persons paying the said perpetual yearly tenths, or any part thereof, for so much as they shall respectively pay unto such collector or receiver (for every of which acquittances the sum of sixpence, and no more shall be paid) which said collector or receiver shall keep his office in some convenient place within the cities of *London* or *Westminster*, and shall give attendance for receipt of the said perpetual yearly tenths at such time or times as the said governors of the bounty of queen *Anne* for the augmentation of the maintenance of the poor clergy in their court shall order, direct and appoint, between the feast of the birth of our Lord Christ and the last day of *April* yearly; of which said times and place due notice shall be given by the said governors in the *London Gazette* yearly, by the space of one week at least before the said feast day, whereof every archbishop, bishop and incumbent of any dignity, office, benefice or promotion spiritual, is and shall be obliged to take notice, and to observe the same accordingly in the payment of his and their respective rates, shares and proportions of the said perpetual yearly tenths wherewith they or any of them shall be charged or chargeable, without any further notice to be given them by way of summons, demand, or otherwise; and in default thereof to forfeit to the king's majesty, his heirs and successors, such sum or sums of money as shall amount to double the value of the said tenths; and that every such collector or receiver shall make payments of the said tenths, and shall pass his accounts for the same, at such time and times, and in such manner as the said archbishops and bishops were ordered and directed in and by the several acts of parliament made for that purpose in the twenty-sixth and thirty-second years of the reign of king *Henry* the eighth, and of the seventh year of the reign of king *Edward* the sixth.

He shall be appointed by the king, and take an oath for the due execution of his office, and give security

The collector empowered to receive the said revenues and give acquittances.

He shall keep his office in *London* or *Westminster*

Notice of time and place of payment to be given in the *London Gazette*.

Penalty for failure of payment.

How collector shall pass his accounts.  
26 H. 8, c. 2.  
32 H. 8, c. 47.  
7 Ed. 6, c. 4.

Archbishops, &c. not paying, the collector shall certify it into the exchequer, and be allowed it on his accounts.

Process to be issued against such as make default in payment.

This act shall not discharge any archbishop, &c. for monies unaccounted for.

The act 26 H. 8, c. 3, shall remain in force.

This act shall not avoid any grant, &c.

III. And it is hereby further enacted by the authority aforesaid, that if any archbishop or bishop, or any incumbent of any dignity, office, benefice or promotion spiritual, or any other person or persons, bodies politic or corporate, charged or chargeable with the payment of the said perpetual yearly tenth or tenths respectively, shall not pay or duly tender the same yearly, before the last day of *April* succeeding the feast of the Nativity of our Lord Christ, whereon the same shall become due, that upon certificate thereof made by the collector or receiver on or before the first day of *June* following, the said collector or receiver shall be allowed upon his account all such sums of money, as any archbishop, bishop or incumbent, or other against whom such certificate shall be made, should or ought to have paid; and that then in every such case, the treasurer, chancellor and barons of the king's exchequer for the time being, shall devise, direct and issue upon every such certificate, such process out of the king's exchequer as to them shall seem proper and reasonable, against every such archbishop, bishop or incumbent, or other against whom such certificate shall be made, his and their executors or administrators, whereby such portion and part of the said yearly tenth, wherewith any such archbishop, bishop or incumbent, or other, is or shall be charged, and which shall be unpaid, as aforesaid, shall be truly levied, answered, satisfied and paid into the hands of the said collector or receiver; and all and every sum and sums of money so levied, answered and paid, the said collector or receiver shall bring to account, and charge himself therewith, from time to time, in his next account after he shall have received the same.

IV. Provided always, and it is hereby declared, that nothing in this act contained shall extend, or be taken or construed to exonerate or discharge any archbishop, bishop, or any other person or persons, before the making of this act liable to the collecting, accounting for, and answering the said perpetual yearly tenths, or any part thereof, for any sum or sums of money wherewith he or they were and are respectively charged or chargeable, and not duly answered and accounted for before the making of this act: and that the said statute made in the said twenty-sixth year of the reign of the said king *Henry* the eighth, and all and every other laws, statutes and provisions, touching or concerning the imposing, charging, assessing and levying, and the true answering and payment of the first fruits, and of the said tenths, or touching the charge, discharge or alteration of them, or any of them, or any matter or thing relating thereunto, which were in force at the time of the making of this present act, and not hereby or hereinbefore altered or repealed, shall be, remain and continue in their full force and effect, and shall hereafter be observed and put in due execution, according to the tenor and purport of the same, and every of them, in all things, excepting such as are in and by this act altered or repealed.

V. Provided also, that this act, or any thing herein contained, shall not extend to avoid or any way impeach or affect any grant, exchange, alienation, or incumbrance at any time heretofore made of or charged upon the said revenue of the perpetual yearly tenths, or any part thereof, but that the same and every of them during the continuance of such grant, exchange, alienation or incumbrance

respectively, shall be and remain of and in the same force, virtue, and effect, as if this act had never been made.

43 GEORGE 3, CAP. 107.—*An act for effectuating certain parts of an act, passed in the second and third years of the reign of her late majesty queen Anne, intituled an act for the making more effectual her majesty's gracious intentions for the augmentation of the maintenance of the poor clergy, by enabling her majesty to grant, in perpetuity, the revenues of the first fruits and tenths; and also for enabling any other persons to make grants for the same purpose, so far as the same relate to deeds and wills made for granting and bequeathing lands, tenements, hereditaments, goods, and chattels, to the governors of the bounty of queen Anne, for the purposes in the said act mentioned, and for enlarging the powers of the said governors.*—See Title—"AUGMENTATION OF POOR LIVINGS," vol. i. p. 205.

1 VICTORIA, CAP. 20.—*An act for the consolidation of the offices of first fruits, tenths, and queen Anne's bounty.*—See Title—"FIRST FRUITS, ENGLAND," vol. iii. p. 153.

END OF VOL. IV.















